

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA . CRIMINAL ACTION NO.  
 . 1:19-CR-021-P-BU-2  
V. .  
 . Fort Worth, Texas  
CHRISTOPHER JAMES REGAN . October 4, 2019  
 . . . . .

TRANSCRIPT OF PROCEEDINGS  
(Hearing on Motion to Suppress)  
BEFORE THE HONORABLE TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Proceedings recorded by mechanical stenography; transcript  
produced by computer-aided transcription.

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**P R O C E E D I N G S**

(Commencing, 10:00 a.m.)

THE COURT: All right. Calling for a suppression hearing in Case Number 1:19-CR-021-Y, United States of America versus Christopher James Regan.

Do you say Regan or Regan?

MR. BLIZZARD: Regan, Your Honor.

THE COURT: Regan. All right.

Are the parties ready to proceed?

MR. LORFING: Yes, Your Honor. Good morning. Russell Lorfing on behalf of the United States, present with co-counsel, Ann Howey. The government is ready to proceed.

THE COURT: Thank you.

MR. BLIZZARD: Jacob Blizzard for Mr. Regan, and I also have Dax Pueschel here with me, Your Honor.

THE COURT: All right. Thank you.

So it's Jake and Dak (sic)?

MR. BLIZZARD: It's Jacob, Your Honor.

THE COURT: Oh, Jacob.

MR. BLIZZARD: Yes, sir, and Dax.

THE COURT: And, now, I'll take the last name?

MR. BLIZZARD: Blizzard, just like a storm.

THE COURT: Blizzard.

MR. BLIZZARD: Yes, sir.

THE COURT: Okay. We don't see much of those

1 anymore, do we?

2 MR. BLIZZARD: Not around here.

3 THE COURT: And Dak (sic)?

4 MR. PUESCHEL: Your Honor, Dax Pueschel.

5 THE COURT: Dax.

6 MR. PUESCHEL: P, as in Paul, U-E-S-C-H-E-L.

7 THE COURT: Okay. Thank you.

8 All right. We're here to determine whether certain items  
9 that were seized -- I don't exactly have the date, but I know  
10 you do -- by the government were seized properly under the  
11 Fourth Amendment, and we'll proceed. The government has the  
12 burden and may proceed.

13 And if you want to have a brief opening, you may do so.  
14 If you don't and you want start directly with testimony, you  
15 may do that.

16 MS. HOWEY: Your Honor, will we have an opportunity  
17 for closing?

18 THE COURT: Sure, a very brief closing.

19 MS. HOWEY: As you said, we are here to determine  
20 whether a consent search was reasonable under the Fourth  
21 Amendment, and we will call our first witness. It's Agent  
22 Brian Noack.

23 THE COURT: All right. Agent Noack, if you will  
24 please step forward, we'll administer the oath when you get  
25 here.

1 Good morning, sir.

2 THE WITNESS: Good morning.

3 THE COURT: Please raise your right hand and be  
4 sworn.

5 (Witness sworn by the Court)

6 THE COURT: Please be seated, sir.

7 BRIAN NOACK, testified under oath as follows:

8 **DIRECT EXAMINATION**

9 BY MS. HOWEY:

10 Q. Good morning.

11 A. Good morning.

12 Q. Please state and spell your name for the record?

13 A. My name is Brian Noack, N-O-A-C-K.

14 Q. And how are you employed?

15 A. I work for the United States Department of Homeland  
16 Security as a special agent.

17 Q. And where is your current assignment?

18 A. Resident agent, Tyler, Texas.

19 Q. And what is your current assignment?

20 A. I enforce the law, U.S. Customs and Immigration laws, to  
21 include anything that comes across the border, money, guns,  
22 drugs, also to include child exploitation.

23 Q. Now, are you an agent, a special agent?

24 A. I'm a special agent, yes, ma'am.

25 Q. Were you involved in the search of the property that

1 brings us here today?

2 A. Yes, ma'am.

3 Q. For the record, when and where did that search occur?

4 A. The search occurred on March 1, 2019 at the property owned  
5 by Ms. Stephany Wilkins.

6 Q. Would that be 124 Private Road, 5503?

7 A. Yes, ma'am.

8 Q. Can you tell the Court how you became involved with that  
9 search?

10 A. I was contacted by Special Agent Marisol O'Leary, who was  
11 the case agent for this case out of San Angelo, Texas. She  
12 contacted me by telephone saying that there was possible  
13 evidence at the Wilkins house that she wanted to be  
14 retrieved.

15 THE COURT: She wanted what, sir?

16 THE WITNESS: To be retrieved, the evidence  
17 retrieved.

18 BY MS. HOWEY:

19 Q. Just in case I missed it, is Agent O'Leary stationed in  
20 Big Spring, Texas?

21 A. San Angelo.

22 Q. Is she the case agent on this case?

23 A. Yes, ma'am.

24 Q. Why would she call you and ask you to conduct the  
25 search?

1 A. As customary, if there is like an interview or an action  
2 that needs to be taken for a case that resides outside of a  
3 normal area of responsibility, it's customary to reach out to  
4 an agent in that area to go carry out their mission.

5 Q. Was it your understanding that you were going to search  
6 property owned by Stephany Wilkins?

7 A. Yes, ma'am.

8 Q. Who do you understand Stephany Wilkins to be?

9 A. Chris Regan's mother.

10 Q. The defendant's mother?

11 A. Yes, ma'am.

12 Q. Prior to the search on March 1, 2019, what was your  
13 involvement in this case?

14 A. I arrested Chris Regan and his wife, Tanya.

15 Q. And based on that early involvement, did you have an  
16 understanding of the charges in this case?

17 A. Yes, ma'am.

18 Q. And what was that understanding?

19 A. Possession and production of child pornography.

20 Q. I want to talk to you about some of the events that led up  
21 to the search on March 1.

22 Are you aware that Christopher Regan has spoken with this  
23 mother, Stephany, or had spoken with her, many times between  
24 the date of his arrest and the date of the search.

25 A. I am.

1 Q. Where was he when those conversations occurred?

2 A. He was in custody.

3 Q. He was in jail?

4 A. Yes, ma'am.

5 Q. In the course of your investigations, do you listen to  
6 what is referred to as jail calls?

7 A. I do.

8 Q. And why do you do that?

9 A. To gather evidence of anything that might be said between  
10 the person incarcerated and whoever they are calling.

11 Q. How often do you listen to jail calls?

12 A. As often as the case demands, just whenever,  
13 spontaneous.

14 Q. Do they normally proceed in a similar course?

15 A. Yes, ma'am. You can identify a jail call. There is a  
16 prerecording on every jail call saying, this is a call coming  
17 from the jail. You're speaking with an inmate and all calls  
18 can be recorded.

19 Q. If you will find Exhibits 3, 6 and 8 in the exhibit  
20 notebook at the stand?

21 A. Yes, ma'am.

22 Q. Are Exhibits 3, 6 and 8 audio recordings of some of the  
23 jail calls that occurred and conversations that occurred  
24 between Stephany Wilkins and her son, the defendant?

25 A. Correct.

1 Q. Have you had a chance to listen to these recordings, the  
2 recordings in Exhibits 6, 3 and 8?

3 A. Yes, ma'am.

4 Q. Do they appear to be true and correct recordings of the  
5 telephone conversations between Ms. Wilkins and the defendant?

6 A. Yes, ma'am.

7 Q. Do they appear to have been altered in any way?

8 A. Not that I can tell.

9 Q. Do you believe the two people speaking in the audio  
10 recordings of the defendant and his mother, Stephany Wilkins?

11 A. I do.

12 MR. LORFING: Your Honor, the United States moves to  
13 admit Exhibits 3, 6 and 8.

14 MR. BLIZZARD: Your Honor, may I take the witness on  
15 voir dire briefly?

16 THE COURT: You may.

17 MR. BLIZZARD: From the lectern, Your Honor?

18 THE COURT: Yes, sir.

19 **VOIR DIRE EXAMINATION**

20 BY MR. BLIZZARD:

21 Q. Agent Noack, did you listen to any of these jail  
22 recordings prior to conducting the search at Mr. Regan's  
23 residence?

24 A. No, sir.

25 Q. So you didn't have any information contained within these



1 recordings at that time, right?

2 A. Say it again?

3 Q. You had not listened to these jail calls that are now  
4 being offered into evidence, right?

5 A. That's correct. I did not.

6 Q. So you didn't have any first-hand knowledge of any  
7 conversations that Mr. Regan and his mother may have had prior  
8 to you obtaining consent from Stephany Wilkins?

9 A. That is true.

10 THE COURT: I'm sorry. You answered before he  
11 finished. Ask that question again.

12 MR. BLIZZARD: Yes, sir.

13 BY MR. BLIZZARD:

14 Q. You didn't have any knowledge of these recordings prior to  
15 you obtaining consent from Ms. Wilkins to search the residence  
16 at 124 Private Road, 5503?

17 A. That is correct.

18 MR. BLIZZARD: No further questions, Your Honor.

19 We would object they are not relevant to the issues at  
20 hand. He did not have any knowledge that these conversations  
21 had taken place for the purposes of acquiring consent.

22 THE COURT: Well, I need to know more. I think your  
23 objection is a good one potentially. Let me ask

24 Ms. Lorfing --

25 MR. LORFING: Ms. Howey, Your Honor.

1 THE COURT: I'm sorry. I got you reversed, didn't I?

2 MR. LORFING: Yes. That's okay.

3 THE COURT: Ms. Howey.

4 If he has heard the -- in a sense heard the recording and  
5 recognizes the names and that's all you're offering him for is  
6 to identify the speaker so that we know they are who you say  
7 they are, that would not necessarily mean they can't be  
8 admitted, but I don't think they can be admitted at this  
9 point.

10 Do you have the ability to show relevance?

11 MS. HOWEY: Yes, Your Honor --

12 THE COURT: And did you offer? I can't remember.  
13 Did you offer?

14 MS. HOWEY: Yes, I did.

15 THE COURT: Okay. So you've offered, right?

16 MS. HOWEY: Yes.

17 THE COURT: So tell me -- because I think the  
18 objection is a good one. If he didn't have that information  
19 before he did the search, whatever is on there doesn't help  
20 him necessarily, unless there is something I don't know. It  
21 doesn't necessarily help him prove consent.

22 MS. HOWEY: That's certainly correct, Your Honor. We  
23 are not going to present -- this evidence does not go to  
24 justify or prove the reasonableness of the consent or whether  
25 there was consent there. We offer this testimony to give the

1 Court context for where Christopher Regan was living and his  
2 view of where he was living and his mother's view. It does  
3 not go to --

4 THE COURT: What he knew.

5 MS. HOWEY: Right. And if you want, we can admit  
6 this after we discuss the search and what he knew at the time  
7 of the search?

8 THE COURT: No. With that explanation, I think it's  
9 all right. I overrule the objection and allow its admission  
10 for the purposes that you just expressed.

11 MS. HOWEY: Thank you, Your Honor.

12 **DIRECT EXAMINATION** (Cont.)

13 BY MS. HOWEY:

14 Q. I would like to, first, discuss the recording in Exhibit  
15 6. If we could play from the three minute mark to the 3:20  
16 mark?

17 (Recording played at this time)

18 MS. HOWEY: Yes. We want to play to the 3:20.

19 (Recording played at this time)

20 BY MS. HOWEY:

21 Q. Agent Noack, we heard Ms. Wilkins tell the defendant that  
22 she went into his house and drank liquor there?

23 A. Correct.

24 THE COURT: Let me interrupt just a minute. Did you  
25 happen to provide transcripts? Do you have transcripts?

1 MS. HOWEY: We do not.

2 THE COURT: Okay. Thank you.

3 BY MS. HOWEY:

4 Q. What did Ms. Wilkins mean by house? What is your  
5 understanding of what she meant?

6 A. She was referring to the trailer on Lot 124.

7 Q. What did she mean by your tequila?

8 A. That was one of the things that were in the trailer that  
9 belonged to Chris Regan.

10 Q. What is your understanding regarding the defendant's  
11 response? How did he respond to his mother?

12 A. Kind of laughingly, acknowledging that she did come into  
13 the trailer without his permission, and she was just saying  
14 that she took part in his drink.

15 Q. If you could turn to Exhibit 8, let's talk about that, and  
16 if we can start playing at the three minute, ten second mark  
17 and up to the three minute, 45 mark.

18 (Recording played at this time)

19 BY MS. HOWEY:

20 Q. What was Ms. Wilkins's concern during this conversation?

21 A. She was in fear that there would be a search conducted of  
22 her property, her trailer.

23 Q. Did she express that she believed the search might be  
24 eminent?

25 A. Yes, ma'am.

1 Q. What was the defendant's response?

2 A. He just changed the subject. He didn't acknowledge it.

3 Q. Did he express any concern that a search might occur?

4 A. No, he didn't.

5 Q. Did he direct his mother in any way in regard to how she  
6 should respond if the search were to occur?

7 A. No.

8 Q. If we could now turn to Exhibit 3 and talk about that a  
9 little bit. We're going to listen to this conversation in  
10 segments. If we could start at the 48 second mark?

11 (Recording played at this time)

12 THE COURT: If you think that section is critical, I  
13 need to hear it again.

14 MS. HOWEY: Okay.

15 (Recording played at this time)

16 BY MS. HOWEY:

17 Q. Agent Noack as we heard in Exhibit 6, Ms. Wilkins tells  
18 her son that she was at his trailer to drink liquor as she had  
19 told him in the other conversation. Is that correct?

20 A. That's correct.

21 Q. In fact, she's telling him after the fact, after she was  
22 at the trailer, correct?

23 A. Yes, ma'am.

24 Q. She's not asking his permission?

25 A. No.

1 Q. Did he object this time?

2 A. No. He thought it was humorous that she did help  
3 herself.

4 Q. Did he express any concern that his mother was entering  
5 his trailer without his permission?

6 A. No, ma'am.

7 Q. Let's play if we can from the 4:23 mark to the 4:39 mark.

8 (Recording played at this time)

9 BY MS. HOWEY:

10 Q. What is the defendant talking about with his mother?

11 A. The items that belonged to him that are in that trailer.

12 Q. And what does he tell her? What does he have in that  
13 trailer?

14 A. One percent of his whole belongings. He had -- based on  
15 my view, he had some clothes and what identified as a couch  
16 that belonged to him in that trailer.

17 Q. Based on his statements, did he express any concern about  
18 the contents in the trailer?

19 A. No, ma'am.

20 Q. If we could now turn or play at the 5:35 mark to the six  
21 minute mark?

22 (Recording played at this time)

23 BY MS. HOWEY:

24 Q. Agent Noack, who did Ms. Wilkins believe would search the  
25 trailer?

1 A. She was fearful that Homeland Security was going to  
2 conduct a search of her property.

3 Q. And what was the defendant's response?

4 A. Basically, that Homeland Security couldn't do it without a  
5 warrant unless she allowed us to do the search.

6 Q. And when the defendant told his mother that law  
7 enforcement could take things from the trailer only if she  
8 allowed it, what did that indicate to you?

9 A. That in his own mind, that that trailer belongs to his  
10 mother, and she has sole control over it, just reaffirming  
11 what I believed in the first place.

12 Q. In your opinion, does it indicate he believed she could  
13 give consent?

14 A. Yes.

15 Q. Did Homeland Security, in fact, search that trailer?

16 A. We did.

17 Q. We have established that that search occurred on March 1,  
18 2019, correct?

19 A. Yes, ma'am.

20 Q. Did Ms. Wilkins do on March 1 what her son said she could  
21 do? Did she let them?

22 A. Yes, ma'am. She allowed us to search her property.

23 Q. Let's loop back around to the time when Agent O'Leary  
24 called you and asked you --

25 THE COURT: Hold on.

1           You're inferring from what we just heard that the  
2 defendant said that his mother could give consent. Did you  
3 just say that?

4           MS. HOWEY: The defendant said they would take things  
5 only if she let them.

6           THE COURT: And you're inferring from that what?

7           MS. HOWEY: That he was not there to say "yes" or  
8 "no." She was there, and the search would proceed only if she  
9 let them, only if she consented to a search.

10          THE COURT: I thought I heard you go one step further  
11 and say, therefore, he consented to her consenting?

12          MS. HOWEY: If I did, I apologize, Your Honor.

13          THE COURT: Maybe you didn't. Go ahead.

14 BY MS. HOWEY:

15 Q. Turning back to your conversation with Agent O'Leary prior  
16 to the search. Let's talk about that. You testified that  
17 Agent O'Leary asked you to go to Ms. Wilkins's home to remove  
18 items from her trailer?

19 A. That's correct.

20 Q. Was this a telephone call you had with Agent O'Leary?

21 A. It was.

22 Q. Is she the case agent in this criminal action?

23 A. Yes, ma'am.

24 Q. We established that she is stationed in San Angelo,  
25 correct?



1 A. Correct.

2 Q. And we've established that she would call and ask you  
3 because the search was outside of her jurisdiction, correct?

4 A. That's correct.

5 Q. What did Agent O'Leary tell you about the search that she  
6 wanted you to conduct?

7 A. She said that she was contacted by Stephany Wilkins, and  
8 Ms. Wilkins was concerned that there might be evidence of  
9 child pornography in her trailer and that she was asking  
10 Homeland Security to come and retrieve that evidence, get it  
11 out of her trailer. She didn't want it on her property.

12 Q. Just to be clear. That's kind of a long sentence.

13 Ms. Wilkins told Agent O'Leary that she wanted items  
14 removed because she didn't want it in her trailer?

15 A. That's correct.

16 Q. And did Agent O'Leary give you a timeline as to when the  
17 search should occur?

18 A. She requested it be as soon as possible just to make sure  
19 nothing was tampered with or the evidence disappeared or was  
20 damaged.

21 Q. And how soon were you able to get there?

22 A. In about an hour.

23 Q. And when you got there, please tell the Court again where  
24 did you arrive?

25 A. I arrived at the property owned by Stephany Wilkins

1 physically at her trailer, which is on Lot 20, which is  
2 adjoining to the 124 lot.

3 Q. Just to be clear, would her lot be Lot 120?

4 A. Yes, ma'am, that's correct.

5 Q. And what was the property that you were to search?

6 A. I was to search Lot 124.

7 Q. And tell us about the trailers that you saw. Were they  
8 close in proximity?

9 A. Approximately 40, 50 yards apart.

10 Q. And what did you do when you got there? So we've  
11 established what it looked like. You parked your car. What  
12 happened?

13 A. I approached the residence of 120, and I was met at the  
14 door by Ms. Wilkins. I produced my credentials and introduced  
15 myself.

16 Q. And were you there at the search alone when you arrived?

17 A. When I arrived, I was with a local sheriff's deputy.

18 Q. And did he conduct the search with you? Did he remain  
19 there?

20 A. No, ma'am. It was just a an officer safety issue. He  
21 just accompanied me there. Once I introduced myself and we  
22 established that the scene was not a threat, I released the  
23 deputy.

24 Q. Did you expect anyone from your agency to join you, or  
25 were you going to conduct the search alone?

1 A. Yes, ma'am. Previously, I contacted my partner, Special  
2 Agent Burton Reavis, and told him when I was going and that he  
3 was on his way, but he was, probably, ten minutes or so  
4 minutes behind me.

5 Q. So I assume you waited for Agent Reavis?

6 A. That's correct.

7 Q. What did you do while you waited?

8 A. Just made small talk with Ms. Wilkins, such as she kind of  
9 pointed out her property, the ownership of the two trailers,  
10 such as that.

11 Q. What we have established?

12 A. Yes, ma'am.

13 Q. What happened after Agent Reavis arrived?

14 A. I introduced Special Agent Reavis as my partner. He  
15 produced his credentials, and then we presented a consent to  
16 search form to Ms. Wilkins, and I said that this was,  
17 basically, what we need to do in order to conduct a search.

18 THE COURT: You said, basically? Repeat? You said,  
19 basically, what?

20 THE WITNESS: That she wouldn't have to sign this for  
21 us to be allowed to search her property.

22 BY MS. HOWEY:

23 Q. Agent, if you would please turn to Exhibit 1 in the  
24 notebook?

25 A. Yes, ma'am.

1 Q. Do you recognize this exhibit?

2 A. Yes, ma'am.

3 Q. Can you please identify this exhibit?

4 A. This is the consent to search form that I gave to  
5 Ms. Wilkins.

6 Q. Did Ms. Wilkins sign this consent form?

7 A. Yes, ma'am.

8 Q. Did you also sign the consent form?

9 A. I did.

10 Q. Is Exhibit 1 a true and correct copy of the consent form  
11 that you and Ms. Wilkins signed on March 1, 2019?

12 A. Yes, ma'am.

13 MS. HOWEY: Your Honor, the United States moves to  
14 admit Exhibit 1.

15 MR. BLIZZARD: No objection, Your Honor.

16 THE COURT: Exhibit 1 is admitted.

17 MS. HOWEY: Your Honor, permission to publish as  
18 well?

19 THE COURT: Granted.

20 BY MS. HOWEY:

21 Q. Agent Noack, why did you ask Ms. Wilkins to sign the  
22 consent form?

23 A. It's standard operating procedure. If we are to search  
24 any property, we must first get either a warrant or a consent  
25 to search said property.

1 Q. And you explained that to Ms. Wilkins?

2 A. Yes, ma'am. I read it verbatim, the form, and then she  
3 signed it.

4 Q. And you were there on the scene. Was her signature  
5 voluntary?

6 A. Yes, ma'am.

7 Q. And she wanted you to search?

8 A. She requested that we search the property, yes.

9 Q. What made you think that she could give consent, that she  
10 had the authority to sign this form?

11 A. Just based on her statements, that she owned the property,  
12 that that was her trailer, and that she was allowing Chris  
13 Regan to stay there.

14 Q. And was there anything else that led you to believe that  
15 she had the right to consent? Did she call your agency and  
16 ask?

17 MR. BLIZZARD: Objection to leading.

18 THE COURT: Sustained.

19 BY MS. HOWEY:

20 Q. Was there anything else that you spoke to Ms. Wilkins  
21 about that day that made you believe that you had consent to  
22 search?

23 A. I was asking questions such as, you know, who owned the  
24 property, how long she's had it. Was Chris paying anything?  
25 Was it rent or utilities, electric bill or anything like that?

1 And she said, no.

2 Q. Did she have a key to the residence?

3 A. She did.

4 Q. Where was that key?

5 A. She had it in her trailer, in her possession.

6 Q. Was it a single key? Was it on a key ring? Do you  
7 recall?

8 A. I can't honestly recall, no.

9 Q. Did she go into the trailer to get the key, or was it with  
10 her already?

11 A. I can't recall that either. I'm sorry.

12 Q. Okay. What happened after Ms. Wilkins signed the consent  
13 form?

14 A. She escorted us over to the trailer. She went up to the  
15 previously locked door. She unlocked the door and then  
16 escorted us inside.

17 Q. What happened when she escorted you inside? What was your  
18 impression of the trailer?

19 A. It looked in a state of unpacked. There were boxes on the  
20 counter. There were a few dishes stacked out. You can see  
21 invisible -- there were a couple of dry goods on the shelf and  
22 then just, you know, kind of cluttered like they were in mid  
23 move-in, unpacked.

24 Q. So you made kind of an assessment of the situation?

25 A. Yes, ma'am.

1 Q. The surroundings. What happened next?

2 A. Ms. Wilkins said the items were in the back bedroom. So  
3 she escorted us back to the bedroom and kind of pointed out  
4 where the items we were there to retrieve were.

5 Q. And were the items that she wanted removed where she  
6 pointed, where she said they would be?

7 A. Yes, ma'am.

8 Q. And what happened next?

9 A. She kind of stepped out of the room, and my partner and I  
10 began our search. I retrieved the items where she pointed  
11 them out, which were little SIM video storage disks, in the  
12 top right drawer of the nightstand, and in plain sight was a  
13 leather case containing a video camera and some tapes that  
14 Ms. Wilkins said was there.

15 THE COURT: Excuse me.

16 Did Ms. Wilkins ever say to you right then or at any time  
17 that you were there why she wanted these items removed?

18 THE WITNESS: Yes, sir.

19 THE COURT: What did she say?

20 THE WITNESS: She was concerned there was child  
21 pornography on these items, and she was distraught, possibly,  
22 that it might contain her own grandchildren, pictures and  
23 videos.

24 THE COURT: Did she say -- that's certainly motive  
25 enough to want them out of there, but did she express any

1 concern about her own culpability or liability?

2 THE WITNESS: Yes, sir. Yes, sir, she did. She said  
3 she wanted them out of that house because she didn't want to  
4 get in trouble for it, anything that might be in that house.

5 THE COURT: Thank you.

6 BY MS. HOWEY:

7 Q. Did Ms. Wilkins express any other concerns in regard to  
8 these items? Did she have any fears?

9 A. That if by other means, if we were to do a search,  
10 Homeland Security, that if they were found on her property,  
11 that she could be held responsible for those items.

12 Q. Did she express any concern about what might be on -- you  
13 said that you found SIM cards?

14 A. Correct.

15 Q. So let's back up. Let's explain what a SIM card is?

16 A. It's just a small digital recording item that can hold  
17 either images or video.

18 Q. And we've established that Ms. Wilkins was concerned that  
19 there was child pornography on these storage devices, correct?

20 A. That was her concern.

21 Q. Did she have any other concerns?

22 A. Well, other than she was, like I said, distraught that  
23 there might be a possibility that it may contain her own  
24 grandchildren on those items.

25 Q. And did she ask you to do anything to ease those fears?



1 A. She did. She wanted to know what was on them.

2 Q. And what did you say to her?

3 A. I said, I can check right now. There was a camera, also,  
4 retrieved, a little video one-shot stop. I can't remember the  
5 type, but it was a video camera that accepted these type of  
6 video cards. I placed several of the cards into the camera to  
7 look and see if there's any images available.

8 Q. And what did you see?

9 A. There were no images that came up. Possibly, it was the  
10 wrong format for that camera to match up with those video  
11 cards. So I removed them, but before I removed them, I could  
12 tell that there was data stored on these cards. It just  
13 wasn't the right format to access them. So I took these items  
14 just to be safe.

15 Q. And did that allay any of Ms. Wilkins's concerns?

16 A. Not really.

17 Q. You said that you looked. You did not see any images?

18 A. Correct.

19 Q. Did you conduct a forensic search?

20 A. No, ma'am. This was just a cursory glimpse.

21 Q. Is that something that your agency does when you conduct a  
22 search?

23 A. It is a common practice, yes.

24 Q. What happened next?

25 A. After I completed the search of that room, I gathered up

1 the evidence that I found, and I brought it to the kitchen in  
2 order to document and bag and tag the evidence.

3 Q. Okay. And did you talk with Ms. Wilkins at this time?

4 A. Yes, ma'am. Ms. Wilkins was sitting at the table that I  
5 was filling out the forms, and we were talking while we were  
6 sitting there.

7 Q. Again, was it small talk like the kind you had prior to  
8 the search?

9 A. Yes, ma'am. She was very distraught. She was asking  
10 questions like, you know, I can't believe my son could do  
11 this, and do I think what they said was true. I said, this is  
12 an ongoing investigation and I couldn't really talk about  
13 that. And then I asked questions -- I asked again the  
14 questions, you know, does he pay rent? Does he pay utilities?

15 Q. What was her answer to those two questions?

16 A. I'm sorry?

17 Q. What was her answer to those two questions?

18 A. Oh, no, he never paid utilities. He didn't pay rent.  
19 This was her trailer. She was just letting him stay there.

20 Q. Did she tell you whether she owned the trailer or was  
21 renting the trailer?

22 A. She had owned that trailer -- she said that she owned that  
23 trailer.

24 Q. And how long did she own the trailer?

25 A. Later I found out, approximately, seven years.

1 Q. And you may have already testified to this, and if so, I  
2 apologize. Did she tell you why Christopher Regan was staying  
3 in the trailer?

4 A. Yes, ma'am. She said that he requested to stay -- he knew  
5 the trailer was empty, and he asked if he could stay in the  
6 trailer. He wanted to, basically, kind of set up house in  
7 hopes to retrieve his kids from Child Protective Services  
8 custody.

9 Q. Was it Ms. Wilkins's expectation that Christopher Regan  
10 and the children would stay at that trailer at some point in  
11 the future?

12 A. That was her hope, yes.

13 Q. Did the children actually stay in the trailer?

14 A. No, ma'am.

15 Q. Did Christopher Regan, what was her -- what did she say  
16 about that?

17 A. I asked, I said, how often was he there? She said he was  
18 there off and on, but to her knowledge, he had never even  
19 stayed the night there.

20 Q. I would like to turn to Exhibit 7 in the exhibit notebook.

21 A. Yes, ma'am.

22 Q. Before we talk about Exhibit 7, we've discussed somewhat  
23 the items that you and your partner removed from the trailer.  
24 Could you go ahead and give us another kind of explanation of  
25 what those were in regard to categories of items?

1 A. Just to clarify, like the items themselves?

2 Q. Yes, categories. You talked about a SIM card. That would  
3 be a storage device.

4 A. Okay. Storage devices, several SIM cards, two millimeter  
5 tapes that go into a video recording camera, a cell phone, and  
6 two cameras themselves, a video camera and then like the  
7 little one-shot that I talked about earlier.

8 Q. You said you conducted the inventory for the items, not  
9 your partner, correct?

10 A. Correct.

11 Q. Back to Exhibit 7, do you recognize the exhibit?

12 A. Yes, ma'am.

13 Q. Can you identify the exhibit for the Court?

14 A. It is a search and seizure warrant to do a forensics  
15 analysis of the video items.

16 Q. You just said warrant. Did a judge sign that warrant?

17 A. Yes, ma'am.

18 Q. On what date did he sign the warrant?

19 A. The judge signed it March 20, 2019.

20 Q. Does this exhibit also contain an application for the  
21 warrant that the judge signed?

22 A. Yes, ma'am, there is.

23 Q. What was the date of that application?

24 A. The date it was signed was March 20, 2019.

25 Q. Did your agency apply for this warrant?

1 A. Yes, ma'am, the case agent, Marisol O'Leary.

2 Q. And does the warrant authorize a forensic search of the  
3 items that you and your partner retrieved from the trailer on  
4 March 1, 2019?

5 A. That is correct.

6 Q. Is Exhibit 7 a true and correct copy of the warrant that  
7 authorized your agency, Department of Homeland Security  
8 Investigations, to search the items and seize evidence of  
9 crimes from the items you seized from the trailer?

10 A. Yes, ma'am.

11 MS. HOWEY: Your Honor, the United States moves to  
12 admit Exhibit 7.

13 MR. BLIZZARD: No objection.

14 THE COURT: Exhibit 7 is admitted.

15 MS. HOWEY: Your Honor, permission to publish as  
16 well.

17 THE COURT: Granted.

18 MS. HOWEY: Thank you.

19 BY MS. HOWEY:

20 Q. Agent Noack, based on the conversations that you had with  
21 Ms. Wilkins on March 1, 2019, did you believe she owned the  
22 trailer at Lot 124?

23 A. I did.

24 Q. Did you believe she had authority to consent to a search  
25 of that trailer?

1 A. I did.

2 Q. Did you believe she had authority to take you to that  
3 trailer and ask you to remove items from the trailer?

4 A. I did.

5 MS. HOWEY: No further questions, Your Honor.

6 THE COURT: Cross examination.

7 MR. BLIZZARD: Thank you, Your Honor.

8 **CROSS EXAMINATION**

9 BY MR. BLIZZARD:

10 Q. How are you this morning?

11 A. Very good, sir.

12 Q. I want to start by going through the timeline with you a  
13 little bit and discuss what information you knew prior to  
14 obtaining Ms. Wilkins's consent?

15 A. Okay.

16 Q. In some of your testimony, it sounded like some of the  
17 conversations took place after the search. Is that right?

18 A. I had spoken to Ms. Wilkins several times, yes.

19 Q. For example, you said you were sitting at a table filling  
20 out forms, tagging it, and that you were going over more  
21 information at that time, right?

22 A. Yes, ma'am -- sir. Sorry.

23 Q. That's okay.

24 So the information you had from Agent O'Leary was that  
25 Ms. Wilkins had called and wanted SIM cards retrieved from the

1 trailer that you ultimately went into, correct?

2 A. Yes, sir.

3 Q. And the information conveyed by Agent O'Leary does not  
4 contain any sort of exigent circumstances, does it? She  
5 didn't convey to you that she thinks this is going to be  
6 destroyed or taken away or anything like that, did she?

7 A. She expressed her concern that, yeah, that's a  
8 possibility.

9 Q. Agent O'Leary did?

10 A. Yes, over the phone conversation we had.

11 Q. That Ms. Wilkins had conveyed that to her and that's why  
12 you were going?

13 A. I don't know the conversation that Ms. Wilkins had with  
14 Agent O'Leary, but it was inferred to me that, yeah, that it  
15 was -- I don't know who made -- saying it was critical whether  
16 it was Agent O'Leary or Ms. Wilkins.

17 Q. It's unclear who decided that it needed to be done quickly  
18 to you?

19 A. Correct --

20 Q. Either Ms. Wilkins or Agent O'Leary?

21 A. Well, O'Leary expressed to me that it was time critical.

22 Q. All right. And you're not sure if that went all the way  
23 back to Ms. Wilkins or not?

24 A. I do not.

25 Q. Ms. Wilkins did not express that to you on the scene

1 either, did she?

2 A. No.

3 Q. That it was time critical?

4 A. No -- well, she wanted it out of the house, and she was  
5 very adamant about that.

6 Q. But she didn't express that it was time critical?

7 A. No.

8 Q. So Agent O'Leary expresses to that Ms. Wilkins believes  
9 there is some child pornography potentially on SIM cards in  
10 this residence of a trailer she owns, correct?

11 A. That's correct.

12 Q. And as a side note, this was not your first entry into  
13 this case, right?

14 A. No, sir.

15 Q. You actually spent some time interrogating Mr. Regan on  
16 February 13, correct?

17 A. Yes, sir.

18 Q. He underwent a polygraph examination, and after the  
19 polygraph, you went in and spoke with him?

20 A. That's correct.

21 Q. And during that conversation that you had with Mr. Regan,  
22 he, in fact, told you that was his residence, correct, 124  
23 Private Road, 5503?

24 A. Yes.

25 Q. And you had no reason to doubt him at that moment, did



1       you, when he told you that information?

2             Let me put it this way. Did you have a belief that he  
3       lived somewhere else?

4       A. I did.

5       Q. Was that with Miss Peoples?

6       A. That was with his wife, who I learned was staying with  
7       Ms. Peoples.

8       Q. So that was your belief that he was staying over there?

9       A. Correct.

10       Q. But he contended to you that he was staying over at the  
11       trailer by his mother's?

12       A. Several times he said that he was staying at the trailer,  
13       and his wife was staying with Miss Peoples.

14       Q. All right. When you filled out an inventory form in this  
15       case -- do you recall doing that?

16       A. Yes, sir.

17       Q. You actually indicated the residence being seized from  
18       Christopher Regan, correct?

19       A. Yes.

20       Q. You didn't indicate that it was Stephany Wilkins's  
21       residence, did you?

22       A. I believe I did in the comments, did I not?

23       Q. Well, I'm looking at a custody receipt of seized evidence,  
24       and under Number 9, it says seized from Christopher Regan,  
25       right?

1 A. Yes, sir.

2 Q. And his address is noted as 123 -- which I think may have  
3 been a typo?

4 A. Yes, it's 123.

5 Q. Private Road, 5503, right?

6 A. Correct.

7 Q. And this is the seizing -- and I apologize if I  
8 misrepresented this, but this is the seizing of a phone that  
9 you did when you arrested him on February 13?

10 A. Oh, okay. That's different.

11 Q. Right?

12 A. Yes, sir.

13 Q. So that form indicates, again, a reiteration that the  
14 government was classifying 123, 124 as his residence,  
15 correct?

16 A. That's what Mr. Regan gave to me as his residence.

17 Q. Right. And that's what you put down, right?

18 A. Yes, sir.

19 Q. Stepping back to where we were a minute ago, when you were  
20 talking to Ms. Wilkins on the scene, did she convey to you  
21 that her son had given her permission to let Homeland Security  
22 or other government agents into that trailer at 124?

23 A. No.

24 Q. Did she convey to you that she did allow Chris to live  
25 there?

1 A. Correct.

2 Q. Okay. And have you done many searches of homes and  
3 residences?

4 A. Yes, sir.

5 Q. Okay. Would you agree with me that a telltale sign of  
6 residency is finding someone's clothes?

7 A. Yes, sir.

8 Q. That tends to indicate they live there, right?

9 A. Or storing property there, yes.

10 Q. You went into a bedroom. There were sheets on the bed,  
11 clothes, covers?

12 A. There was, right.

13 Q. This dresser that you retrieved the items from were in his  
14 master bedroom, correct?

15 A. Yes, sir.

16 Q. And so on that date in question, did you have the  
17 opinion that -- and we're just talking hypothetically your  
18 opinion, okay?

19 A. Okay.

20 Q. Did you have the opinion that a landlord has the ability  
21 to convey consent to a tenant -- of a tenant's property to  
22 you?

23 A. No.

24 Q. Okay. So your view in that situation was that Ms. Wilkins  
25 was not his landlord?

1 A. That is correct.

2 Q. Because, otherwise, you wouldn't have searched, right?

3 A. I would have still removed the property at her request,  
4 but I would not have conducted a search of the property, no.

5 Q. Well, I guess I don't understand the difference. You  
6 would have still gone into the residence, and you would have  
7 retrieved those items, correct?

8 A. Yes, sir.

9 Q. So when I say search, you're implying something broader  
10 than that, you looking around and opening other drawers and  
11 things like that?

12 A. Yes, sir.

13 Q. So no matter what, you would have entered that day and you  
14 would have taken those items?

15 A. Not necessarily. I would have had her retrieve those  
16 items for me if she wanted to turn them over.

17 Q. Okay. Well, a minute ago you said you would have entered  
18 and taken the items, right?

19 A. I don't know if I did but, okay.

20 THE COURT: What I heard him say was, or I inferred  
21 from what he said, was that he would have retrieved them  
22 for her -- I think that's the word he used -- he would have  
23 retrieved them for her, but he did not say he would have taken  
24 them.

25 MR. BLIZZARD: All right. Thank you, Your Honor.

1 THE COURT: Now, did I --

2 THE WITNESS: That's what I meant, sir, yes, sir.

3 THE COURT: That's what I understood.

4 BY MR. BLIZZARD:

5 Q. All right. And if Ms. Wilkins would have refused to  
6 retrieve the items, then what would you have done?

7 A. I would have contacted the AUSA and ask what he wanted to  
8 do, either apply for a warrant, would be our back-up plan.

9 Q. Do you know how many warrants have been executed in this  
10 case?

11 A. Exactly, no.

12 Q. You know there's numerous, right?

13 A. I imagine, yes, sir.

14 Q. Was there anything that prohibited you from obtaining a  
15 warrant to stay?

16 A. Only that Agent O'Leary inferred on me that it was time  
17 critical that I retrieve the items to make sure nothing  
18 happened to them.

19 Q. Sure. But it wasn't Chris that was going to do anything  
20 to them, right, because he's in jail?

21 A. That's correct.

22 Q. It wasn't Tanya that was going to do anything to them  
23 because she's in jail?

24 A. That's correct.

25 Q. And the only other person who appeared to know about them

1 was reporting them to you?

2 A. That's correct.

3 Q. So was there some other person that you or Agent O'Leary  
4 feared would take these items?

5 A. No, sir.

6 Q. Ms. Wilkins conveyed to you prior to the search, did she  
7 not, that part of the deal was that Chris would fix up the  
8 place in exchange for rent?

9 A. That's what he said. I don't remember her saying that.  
10 He said he was going to fix up the place, but it wasn't in  
11 exchange for rent or anything like that.

12 Q. Okay. You didn't understand it to be that he would fix up  
13 the place in exchange for living there?

14 A. The way I took it was he was fixing up the place in order  
15 for him to live there.

16 Q. All right. Is it your position today -- as you've given a  
17 lot of opinions on Chris's mentality during the jail calls, is  
18 it your position today that Mr. Regan intended for Ms. Wilkins  
19 to give consent to the government to search his residence?

20 A. No. He specifically said that the government could only  
21 search his place if she gave consent. He had no ownership of  
22 it.

23 Q. Right.

24 It appeared from the tone and demeanor of that  
25 conversation, did it not, that he did not want the residence

1 searched, right?

2 A. He never said, don't let them search. He said, only you  
3 can give them that ability to search.

4 Q. And I understand. That's why I'm talking about the tone  
5 and the demeanor. I'm not saying what he said. But by the  
6 tone and the demeanor, it wasn't, hey, go let them search. It  
7 was, well, they're only getting in there if you let them  
8 search, right?

9 A. Yes, sir.

10 Q. And the demeanor was, I don't want them to search, right?

11 A. He did not infer that. He seemed like -- he even said in  
12 some of the conversations -- I don't know which one -- he  
13 says, there is nothing in there for them to take. And I  
14 believe one of the conversations from Ms. Wilkins was, is  
15 there something in there that I need to get out? And he said,  
16 no, there is nothing in there.

17 Q. All right. When you got to the scene, did you take a look  
18 around the outside?

19 A. Not closely, no.

20 Q. Did you notice that there was a mailbox that had  
21 Christopher Regan's name on it?

22 A. I saw a mailbox that had Regan on it, yes.

23 Q. That would be him, right, not Ms. Wilkins, who doesn't  
24 share the same last name, right?

25 A. Yes.

1 Q. Were you, in fact, instructed to get consent to search on  
2 this by Agent O'Leary?

3 A. I don't recall being instructed to get consent. I just  
4 know if I don't have a warrant, I have to get consent.

5 Q. Did Ms. Wilkins point out to you the number of items that  
6 Chris had fixed up while he stayed there?

7 A. No, sir, not at the time.

8 Q. So to be clear, taking us back to our original point here,  
9 what you had was a reported address of Mr. Regan living at 124  
10 Private Road, right?

11 A. Yes, sir.

12 Q. You arrived on the scene. You spoke with Ms. Wilkins.  
13 She conveyed her concern over these cards, right?

14 A. Yes, sir.

15 Q. She indicated she owned the place?

16 A. Yes, sir.

17 Q. Paid utilities, taxes?

18 A. Yes, sir.

19 Q. But she never conveyed to you that Chris had gave her  
20 permission to allow you to search, did she?

21 A. No.

22 Q. And she conveyed to you that this is a place that she  
23 allowed Chris to live?

24 A. Right.

25 Q. And he had things of his own in that residence?



1 A. Yes, sir.

2 MR. BLIZZARD: May I have just a moment, Your Honor?

3 THE COURT: Sure.

4 (Brief pause in proceedings)

5 MR. BLIZZARD: No further questions, Your Honor.

6 THE COURT: Redirect?

7 MS. HOWEY: Thank you, Your Honor.

8 **REDIRECT EXAMINATION**

9 BY MS. HOWEY:

10 Q. Agent Noack, I would like to talk a little bit about the  
11 jail calls that we discussed earlier.

12 You have been very clear that you did not listen to those  
13 calls prior to the search?

14 A. That's correct.

15 Q. They did not form the basis of your belief that  
16 Ms. Wilkins could consent, and based on that consent, you  
17 could search that trailer. Is that correct?

18 A. That's correct.

19 Q. Based on what you heard, after the fact, is it apparent  
20 that Ms. Wilkins had authority to consent to a search?

21 A. Based on those conversations, it reconfirmed what I  
22 already knew that she came and went and that was her  
23 property.

24 Q. Based on what you heard, Christopher Regan never objected  
25 to her repeated entry into the trailer. Is that correct?

1 A. No, ma'am.

2 Q. He had no concern about a search of that trailer. Is that  
3 correct?

4 A. No, ma'am.

5 Q. He never gave her any direction in regard to the search  
6 other than it would happen only if she allowed it. Is that  
7 correct?

8 A. That's correct.

9 Q. In what context did Regan tell you that he lived at 124  
10 Private Road at the time you interrogated him?

11 Let me ask it a different way. I'm sorry.

12 Why were you asking that question? Was it to establish  
13 his residence, where he lived or --

14 A. Yes, ma'am.

15 Q. -- was it for record keeping purposes, what was it?

16 A. It was just part of the biographical -- where he lived,  
17 his residence. He told me that he was staying at that  
18 residence and that Tanya, his wife, was staying with Miss  
19 Peoples, and that he had no contact with her at all, that they  
20 weren't ever together, which I later found out was not true.

21 Q. Let's take about the inventory you did on the date of the  
22 arrest.

23 A. Yes, ma'am.

24 Q. You also placed -- you indicated his residence on that  
25 inventory as well?

1 A. Yes.

2 Q. Is that correct?

3 A. Uh-huh.

4 Q. Whether you thought it was his residence, where he lived  
5 or he kept his things or for record keeping purposes only, did  
6 your opinion change -- or did you form an opinion afterward as  
7 to whether he lived at 124 Private Road?

8 A. No. At that point is the day after I got the collateral.  
9 So I didn't know hardly anything about Mr. Regan. So the  
10 address that I wrote down is just the address that I had.

11 Q. So you're saying at that point it was just a fact that you  
12 put on paper?

13 A. I had to put something on that paper, yes.

14 Q. Did you later understand that that was not Christopher  
15 Regan's residence?

16 A. Yes, ma'am.

17 Q. Was that based upon your interactions with Ms. Wilkins on  
18 March 1, 2019?

19 A. Yes. She established that, yes.

20 Q. Mr. Blizzard asked you about as to whether the defendant  
21 granted you permission, whether he told his mother that she  
22 could give you permission.

23 Did you think you needed permission from Christopher Regan  
24 to search the property at 124 Private Road?

25 A. No, ma'am. I did not believe that Christopher Regan

1 stayed there. I believe that he was only keeping his property  
2 there.

3 Q. In regard to the clothing that Mr. Blizzard asked you  
4 about, you testified earlier that the trailer looked like it  
5 was in kind of a situation of unpacked, somebody was moving  
6 in?

7 A. Correct.

8 Q. Did you look in the closet? Do you remember what the  
9 clothing was in the closet?

10 A. There was male clothing hanging in the closet. There was  
11 probably, I'm guessing, four or five pair of pants, half a  
12 dozen shirts, some shoes in the closet on the floor, some  
13 female clothing, also. But that was just in that closet. The  
14 other bedroom that no one was staying in at all was just a  
15 catch-all that had a bunch of stuff in it. There was more  
16 female clothing found in there.

17 Q. You also talked about -- Mr. Blizzard asked you some  
18 questions about landlord tenant situations?

19 A. Uh-huh.

20 Q. Did you believe that there was a landlord tenant situation  
21 here?

22 A. No, ma'am.

23 Q. What was that based upon?

24 A. Just based that he didn't pay rent. He didn't pay  
25 utilities. She said that was her property, and she was just

1 allowing him to stay there.

2 Q. Mr. Blizzard also asked about the name Regan on the  
3 mailbox?

4 A. Correct.

5 Q. Would that have changed what you did that day?

6 A. No, ma'am. Based on that, Ms. Wilkins said that she was  
7 on that property for 40 years. I don't know what her previous  
8 names have been. It could have been from when she was there,  
9 and she just left it on Regan on that mailbox.

10 Q. Would it be reasonable to believe that at some point in  
11 time, because she's the mother of Christopher Regan, her name  
12 might have been Regan? The last name might have been Regan?

13 A. Yes.

14 Q. Is this the type of property that looks like once a month  
15 there's just someone tending the grounds, checking names on  
16 mailboxes, making sure the curtilage is all in order?

17 A. It's a trailer park. I can only say -- a couple of times  
18 that I've been there, sometimes the grass was mowed.  
19 Sometimes it wasn't. It doesn't look like a lot of changes  
20 are made to that area, no.

21 Q. Let's talk about why you didn't apply for a warrant.  
22 You've indicated that you believe that time was of the  
23 essence. Is that correct?

24 A. Yes.

25 Q. And you indicated that Agent O'Leary told you that

1 Ms. Wilkins wanted items removed from the trailer?

2 A. Yes.

3 Q. When you arrived there, did you believe Ms. Wilkins to  
4 give authority?

5 A. Yes, ma'am.

6 Q. To consent.

7 Even if there were no exigent circumstances, would you  
8 have applied for a warrant based on what you had learned from  
9 Agent O'Leary and Ms. Wilkins? If time is not of the  
10 essence --

11 A. Yes.

12 Q. -- would you have just taken your time and gone to get a  
13 warrant?

14 A. Yes.

15 Q. You would have?

16 A. Yes, just because it's more complete. It takes away this  
17 whole argument of whether consent or not -- if I absolutely  
18 knew that the evidence would not be missing or destroyed or  
19 time critical, there is no reason why I wouldn't get a  
20 warrant.

21 Q. If when you arrived and spoke with Ms. Wilkins, if she had  
22 told you different things, if your conversation would have  
23 been different and you thought that she could not give consent  
24 to search, what would you have done?

25 A. I would have to get a warrant.

1 Q. But you did not believe you needed a warrant?

2 A. No, ma'am.

3 Q. I've asked you about the jail calls. Let's go back to  
4 those. Again, those did not influence your decisions on  
5 March 1.

6 A. No, ma'am.

7 Q. At this point, though, you believe that they show apparent  
8 authority, that Ms. Wilkins had apparent authority to --  
9 actual authority, excuse me, actual authority. She had  
10 authority, clear and simple, to allow the search?

11 A. Yes, ma'am.

12 Q. Based on those conversations, was Christopher Regan ever  
13 concerned about a search of the trailer?

14 A. No, ma'am.

15 Q. Did he ever instruct his mother what to do if an agent  
16 came to search?

17 A. In a prior conversation, when he said that -- those items  
18 that were in there, he believed that Tanya placed them there  
19 and was trying to frame him, and he requested that his mother  
20 get rid of that, get rid of that evidence.

21 Q. In the jail calls, did Christopher ever say that the  
22 trailer on Lot 124 was his property?

23 A. No.

24 Q. Did he ever prevent his mother from entering and exiting  
25 without permission?

1 A. No, ma'am.

2 Q. Was it apparent to you that she was able to do so and that  
3 she had equal use of that trailer and could use it as she  
4 pleased, even to drink tequila?

5 A. Yes, ma'am.

6 Q. And when she entered and exited and told her son about it  
7 after the fact, he never complained?

8 A. No, ma'am.

9 Q. Do you believe he had an expectation of privacy in that  
10 trailer?

11 A. No, ma'am.

12 MS. HOWEY: No further questions, Your Honor.

13 THE COURT: You may step down, sir.

14 Please call your next witness.

15 MR. LORFING: Your Honor, the government calls  
16 Stephany Wilkins to the stand.

17 THE COURT: Good morning.

18 THE WITNESS: Good morning.

19 THE COURT: Please step over here. Please raise your  
20 right hand and be sworn.

21 (Witness sworn by the Court)

22 THE COURT: Please be seated, ma'am.

23 You may proceed.

24 MR. LORFING: Thank you, Your Honor.

25 STEPHANY WILKINS, testified under oath as follows:



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**DIRECT EXAMINATION**

BY MR. LORFING:

Q. Good morning, ma'am.

A. Good morning.

Q. Would you please state your name and spell your last name for the record?

A. Stephany Wilkins, W-I-L-K-I-N-S.

Q. Ma'am, are you related to the defendant, Christopher Wilkins (sic)?

A. Yes, I am.

Q. And how are you related?

A. He's my son.

Q. Your biological son?

A. Yes.

Q. You love your son, obviously?

Ma'am, we're going to need you to verbalize your response.

A. Yes, yes.

Q. I know this is very difficult for you. I am going to try to make this as quickly as possible, so if you can make sure you just listen to my question and answer directly?

A. Okay.

Q. I apologize in advance for calling you, ma'am.

Ms. Wilkins, do you believe that your son, Christopher Regan, had any right of privacy in the trailer located at 124

1 PR, 5503.

2 A. No, I did not.

3 Q. Who owns the trailer at 124 PR, 5503?

4 A. My husband and I.

5 Q. Ma'am, you have an exhibit book in front of you. Do you  
6 see it down there?

7 A. Yes.

8 Q. Can you please turn to Tab 11?

9 A. 11?

10 Q. Yes, ma'am. Do you see those documents there, ma'am?

11 A. I'm looking.

12 There we go. Okay. Yes, I've got it.

13 Q. Do you recognize those documents?

14 A. I do.

15 Q. How do you recognize those documents?

16 A. That's a history of my taxes I pay on our property.

17 Q. Did you physically obtain a copy of those from the  
18 appraisal district?

19 A. I did.

20 Q. Are those the same copy of your tax records that you  
21 provided directly to me?

22 A. Yes, sir.

23 Q. Do they appear to be altered in any way?

24 A. No.

25 MR. LORFING: Your Honor, at this time the government

1 would move to admit Government's Exhibit 11.

2 MR. BLIZZARD: No objection.

3 THE COURT: Exhibit 11 is admitted.

4 MR. LORFING: Thank you, Your Honor.

5 BY MR. LORFING:

6 Q. Ms. Wilkins, who pays the utilities on the property  
7 located at 124 PR, 5503?

8 A. My husband and I.

9 Q. Ma'am, if you can flip to Tab 10?

10 A. Okay.

11 Q. Do you recognize those documents?

12 A. Yes, I do.

13 Q. What do you recognize those documents to be?

14 A. These are my electric bills for the trailer.

15 Q. Are those the same electrical bills that are mailed  
16 directly to your address?

17 A. They are.

18 Q. Is that your handwriting on those documents?

19 A. It is.

20 Q. Are these the same electric bills that you provided to  
21 me?

22 A. Yes, they are.

23 Q. Do they appear to be altered in any way?

24 A. No, they're not.

25 Q. Do they show the electric bills for the property at 120

1 PR, 5503, as well as 124 PR, 5503?

2 A. Yes.

3 Q. Ma'am, just to help out our court reporter, if you could  
4 please make sure you let me finish my question?

5 A. I'm sorry.

6 Q. No problem.

7 I believe your answer to that question was, yes?

8 A. Yes.

9 MR. LORFING: Your Honor, at this time I move Exhibit  
10 10 into evidence?

11 MR. BLIZZARD: No objection.

12 THE COURT: Exhibit 10 is admitted.

13 BY MR. LORFING:

14 Q. Ma'am, the next few questions I'm going to ask is  
15 regarding the trailer at 124 PR, 5503.

16 Did you have a key to that trailer?

17 A. I do.

18 Q. Do you have the key with you today?

19 A. I do.

20 Q. Can you show the Court this key?

21 A. (Indicating)

22 THE COURT: Is that where you keep it?

23 THE WITNESS: It is.

24 THE COURT: You don't keep it at home?

25 THE WITNESS: No. It's on my key ring at all

1 times.

2 BY MR. LORFING:

3 Q. It looks like you've had that key ring for awhile. How  
4 long have you had that key on your key ring?

5 A. Since 2011.

6 Q. Was that the key that you used to unlock the door of the  
7 trailer the day Agent Noack searched the trailer?

8 A. It is.

9 Q. Now, you've been in that trailer before, correct?

10 A. Yes.

11 Q. In fact, you've probably been in that trailer many times,  
12 right?

13 A. Yes.

14 THE COURT: Did you ever live there?

15 THE WITNESS: No. Ever since we bought it, nobody's  
16 lived in it. It was used for, I don't know, an extra trailer  
17 for my husband's kids so maybe they could come down and use it  
18 for the weekend to go fishing. We were using it, basically,  
19 as a back-up house because my home needs a lot of work on it,  
20 the one I'm living in. There was going to be a possibility  
21 that we may have to live in that one. I bought it from my  
22 mother. So nobody's lived in it since.

23 BY MR. LORFING:

24 Q. Ma'am, prior to January of 2019, had anyone ever lived in  
25 that property?

1 A. Okay. I'm sorry. Repeat that?

2 Q. Prior to January 2019, had anyone lived in that  
3 property?

4 A. Yes.

5 Q. Okay. Did you and your husband primarily use that trailer  
6 for storage?

7 A. We did.

8 Q. Now, did you ever tell your son, Christopher Regan, that  
9 he could stay in that trailer?

10 A. I did.

11 Q. Was the point of this to provide him a place to stay, lay  
12 his head, if he needed it?

13 A. It was to be for him and his children.

14 Q. To your knowledge, was Christopher Regan sleeping in that  
15 trailer every night during the months of January and February  
16 2019?

17 A. I don't believe he was, no.

18 Q. And why do you believe he wasn't staying there every  
19 night?

20 A. Because he wouldn't be there. His vehicle wouldn't be  
21 there some nights and some nights it would be. Plus, he told  
22 me he was staying elsewhere some nights.

23 THE COURT: Ms. Wilkins, we have been told either in  
24 testimony or in the papers that your son never slept there?

25 THE WITNESS: No, that's not true. He has slept

1       there. He did. I can't tell you how many times. He slept  
2       elsewhere more often than he slept there. He may have slept  
3       there two nights a week if that much, but he did sleep  
4       there.

5               THE COURT: So you would guess the max that he slept  
6       there was two nights a week?

7               THE WITNESS: I would say two to three.

8       BY MR. LORFING:

9       Q. Now, you mention the reason you knew he wasn't staying  
10      there is, one, because his car wasn't there?

11      A. Yes.

12      Q. Two, because he told you that he was staying elsewhere?

13      A. Yes.

14      Q. Where did he tell you that he would stay?

15      A. With a friend that he had gone to school with years ago  
16      that lived in Emory (phonetic).

17      Q. But you knew that not to be true, correct?

18               MR. BLIZZARD: Objection, leading.

19      BY MR. LORFING:

20      Q. Did you know it wasn't true?

21      A. I didn't know for sure, but I suspected it was not.

22      Q. Did you ever do anything to confirm your suspicions that  
23      he wasn't living with a friend?

24      A. I did.

25      Q. What did you do?

1 MR. BLIZZARD: Your Honor, I'm going to object to  
2 relevance. I don't see how it's relevant to consent.

3 THE COURT: Can you tell us how that's relevant?

4 MR. LORFING: Certainly, Your Honor.

5 Your Honor, there has been a representation that this  
6 property belongs to Mr. Regan, that he stayed there on a  
7 regular basis. The government offers this testimony to  
8 establish that, not only did he not own the property, that he  
9 wasn't staying there. I think that would go to his  
10 expectation of privacy on the property.

11 THE COURT: But the question that we're concerned  
12 with right now is whether he had lied and he wasn't actually  
13 staying with a friend. I don't see what's the relevance of  
14 that?

15 MR. LORFING: Your Honor, the government believes the  
16 testimony will be that Ms. Wilkins actually drove over to his  
17 wife's residence and saw Mr. Regan staying at that  
18 residence.

19 THE COURT: All right. Go ahead.

20 Objection overruled.

21 BY MR. LORFING:

22 Q. Ms. Wilkins, to your knowledge, was -- did your son ever  
23 stay somewhere other than your trailer or his friend's house  
24 in Emory?

25 A. Yes.



1 Q. And where was that?

2 A. That would have been at his mother-in-law's where Tanya  
3 was living.

4 Q. And how do you know that?

5 A. Because my husband and I drove by there one night. I was  
6 trying to make sure that he wasn't with her, and my suspicion  
7 was right that he was.

8 Q. And you know that. Did you see Chris there?

9 A. I saw his vehicle.

10 Q. Now, this would have been after Tanya had been arrested  
11 for the sexual assault on her children?

12 A. Yes.

13 Q. Still talking about the trailer in question, did your  
14 trailer have a stove in it during the duration of the time  
15 Christopher Regan supposedly stayed there?

16 A. It did not.

17 Q. Did your trailer have hot water during the duration of the  
18 time Christopher Regan was staying there?

19 A. No, it did not.

20 Q. Do you know where Chris Regan would shower?

21 A. At my house when he was there.

22 Q. How many times would you say Mr. Regan showered at your  
23 house during the months of January and February of 2019?

24 A. Maybe four or five.

25 Q. Would he shower at the trailer the other times?

1 A. No.

2 Q. How do you know that?

3 A. Well, I suspected he didn't because I had nothing but cold  
4 water, and it was winter. So ...

5 Q. Prior to you allowing Chris to use the trailer, were there  
6 locks on the bedroom doors?

7 A. No, no.

8 Q. Was there a lock on the front door of that trailer?

9 A. Yes.

10 Q. After Chris started using this trailer, did he change the  
11 lock on the front door?

12 A. No, he did not.

13 Q. Did he add locks to the bedroom doors?

14 A. No, he did not.

15 Q. Now, is there also a storage shed on your property?

16 A. Yes, there is.

17 Q. After Chris started using your trailer, did he also use  
18 the storage shed?

19 A. I'm sorry.

20 Q. Ms. Wilkins, you're doing a great job. If you need to  
21 take a moment, please do so. I know this is difficult.

22 A. I'm sorry. What's the question again?

23 Q. After Chris started using your trailer, did he also use  
24 your storage shed?

25 A. He did.

1 Q. Look at me, Ms. Wilkins. You can do this.

2 You testified that he started using the storage shed. Did  
3 he add a lock to the storage shed?

4 A. Yes.

5 Q. So is it your testimony that he added a lock to the  
6 storage shed, but he never added locks anywhere in the  
7 trailer?

8 A. Yes, that's it.

9 Q. During -- what time period was Chris Regan supposedly  
10 staying in your trailer?

11 A. I believe in January. It was after Christmas --

12 THE COURT: Before you go on, I want to ask a  
13 question about the storage shed.

14 THE WITNESS: Yes.

15 THE COURT: Did you also have a key to the storage  
16 shed?

17 THE WITNESS: No. It had no lock on it before he  
18 moved in because it was really never used.

19 THE COURT: On March 1, 2019, when you assisted in  
20 the retrieval of items from the structure at 124, were any  
21 items taken from the storage shed?

22 THE WITNESS: I don't think so. I really don't  
23 remember. I don't think there was anything in there to  
24 take.

25 THE COURT: Okay. Thank you.

1 BY MR. LORFING:

2 Q. Ma'am, you testified it was some time after Christmas up  
3 until the time he was arrested?

4 A. Yes.

5 Q. That would have been on or about February 13?

6 A. Yes.

7 Q. During that time period, sometime after Christmas, up  
8 until February 13, did you ever go into that trailer?

9 A. Yes.

10 Q. Would you ask permission from Chris before you entered the  
11 trailer?

12 A. No.

13 Q. Would you knock on the door every time before you opened  
14 it?

15 A. No.

16 Q. If Chris told you you couldn't enter the trailer, what  
17 would you have told him?

18 A. Well, he wouldn't have ever said that. I would have gone  
19 in anyways, but he would have never said that.

20 Q. And why would he have never said that?

21 A. Because he knows it's my trailer. He knew it was my  
22 trailer. That's it.

23 Q. Did you ever enter the trailer without his permission?

24 A. Yes.

25 Q. Did you even feel like you needed to ask him permission?

1 A. No.

2 Q. Now, would Chris ever be home when you entered his  
3 house?

4 A. Sometimes, yes; sometimes, no.

5 Q. What would he do if he saw you walk in the trailer without  
6 knocking?

7 A. Nothing. He would usually be sitting in the couch.

8 Q. Can you give the Court an example of when you would walk  
9 into his house?

10 A. Like what would he do you mean?

11 Q. What would you do when you walked in?

12 A. Well, I would just walk in and say, hey, you know, what  
13 are you doing? How are you doing? He would be on the couch  
14 sometimes watching TV. I don't think he was ever in the  
15 bedroom when I would walk over there because, usually, he was  
16 on the couch. I think that's kind of where he sat most of the  
17 time. It's pretty much the only place to sit.

18 Q. You mentioned that you were responsible for the utilities,  
19 correct?

20 A. Yes.

21 Q. Did you ever exercise any authority over that building to  
22 turn off lights or electricity?

23 A. No.

24 Q. Did you do that? Did you ever go into his house and turn  
25 off lights?

1 A. Oh, I'm sorry. I misunderstood. I thought you was  
2 talking about having the power cut off to the house. I'm  
3 sorry.

4 Q. No problem.

5 A. No. I would -- when I knew he had been gone a day or  
6 more, I would go in the house, turn off lights, turn off  
7 heaters.

8 Q. Okay.

9 A. The air conditioner in the bedroom sometimes, to keep my  
10 electric bill down.

11 Q. Now, would you do that in secret or would you tell Chris  
12 after the fact that you turned that stuff off?

13 A. Sometimes I would tell him, but sometimes he would just go  
14 home and know it, but I would let him know, you know, it's  
15 going to be cold when you get home.

16 Q. But when you told him that you entered this property, your  
17 trailer, and turned off all the stuff, did he tell you, don't  
18 do that. That's my place?

19 A. No. He'd say, okay.

20 Q. Was there any indication from your son that you did not  
21 have control and couldn't enter that trailer at will?

22 A. No.

23 Q. If you wanted to walk into his house and open his  
24 refrigerator and take out milk, could you have done that?

25 A. Yes.

1 Q. If you wanted to walk into his bedroom and take a pillow,  
2 could you have done that?

3 A. Yes.

4 Q. If you wanted to open up his sock drawer and take out some  
5 socks for your husband, Phillip, could you do that?

6 A. Yes.

7 Q. Have you spoken to Chris Regan frequently since he was  
8 incarcerated?

9 A. I have.

10 Q. Do you recall a conversation with Chris on or about  
11 February 20, 22, where you talked about the destruction -- or  
12 where you discussed the destruction of evidence?

13 A. Yes.

14 Q. What did he tell you?

15 A. He told me that he had been thinking about -- wondering  
16 about some things that -- he was trying to think maybe there  
17 had been things he had missed, you know, clues or something  
18 going on when he and his family were all living together. You  
19 know, what did he miss? You know, what could he have seen  
20 that maybe this was going on? He missed it, you know. He was  
21 racking his brain about it.

22 He thought about the fact that he said, you know, I  
23 remember Tanya gave me SIM cards, and he said -- thinking  
24 about it, he said, I really don't know why she did it. He  
25 said, I'm thinking she might be trying to set me up, and --

1 Q. Let me stop you right there.

2 During that conversation, did he ask you or suggest that  
3 SIM cards should be burned?

4 A. He did.

5 Q. Do you recall listening to that conversation with me?

6 A. I do.

7 Q. We had to get some headphones to make sure you could  
8 listen to it?

9 A. Yes.

10 Q. We also had a transcript available for you?

11 A. Yes.

12 Q. If you could turn to Exhibit 5 in that book.

13 Your Honor, I direct the Court to Exhibit 5. It's the  
14 transcript of this call.

15 THE COURT: I'm sorry. I didn't hear you. What was  
16 the last part you said?

17 MR. LORFING: Your Honor, I was just directing the  
18 Court to Exhibit 5, which is the transcript of the call in  
19 question.

20 THE COURT: Okay. I was making a note. This call is  
21 what and when?

22 MR. LORFING: Your Honor, it was a jail call between  
23 this witness and the defendant.

24 THE COURT: Okay.

25 BY MR. LORFING:



1 Q. If you could just briefly look through that transcript and  
2 look up at me when you have had a chance to recognize it?

3 A. Okay.

4 Q. Now, I want you to keep that open.

5 A. Okay.

6 Q. I want to talk to you about the call.

7 Do you recall that we played this audiotape for you.

8 A. Yes.

9 Q. Did it appear to be altered in any way?

10 A. No, it did not.

11 Q. Did you recognize the voices on that call?

12 A. I did.

13 Q. Was your voice on that call?

14 A. It was.

15 Q. And who else's voice was on that call?

16 A. My son.

17 MR. LORFING: Your Honor, at this time I would move  
18 Exhibit 4 into evidence.

19 MR. BLIZZARD: No objection.

20 THE COURT: You said 4? I thought you said 5  
21 earlier?

22 MR. BLIZZARD: Your Honor, that's the transcript.  
23 I'll move that into evidence in a moment. Right now it's just  
24 Exhibit 4.

25 THE COURT: I understand. Exhibit 4 is admitted.

1 MR. LORFING: Your Honor, this is approximately a two  
2 minute clip. I'm going to ask to play it in its entirety.

3 BY MR. LORFING:

4 Q. Ms. Regan (sic), if you could look along at Exhibit 5 and  
5 the transcript as this call is played?

6 A. Ms. Wilkins.

7 THE COURT: You didn't offer 5?

8 MR. LORFING: Yes, Your Honor. At this time I would  
9 move to admit Exhibit 5 into evidence.

10 MR. BLIZZARD: No objection.

11 THE COURT: Admitted.

12 (Recording played at this time)

13 BY MR. LORFING:

14 Q. Ms. Wilkins, did your son ask you or suggest you should  
15 burn some cards?

16 A. He did. He did.

17 Q. Did he tell you where you could find those cards?

18 A. Yes, he did.

19 Q. Did you find those cards where he said they would be?

20 A. I did.

21 Q. What was your immediate thought when you actually saw that  
22 those were not like greeting cards but SIM cards or SD  
23 cards?

24 A. I knew it wasn't right --

25 THE COURT: You knew what?

1           THE WITNESS: I knew it wasn't right. I was looking  
2 for cards, greeting cards that you would write, like letters  
3 that she had wrote him. When I saw that those were SIM cards,  
4 I was like, this ain't right. There's something wrong here.

5 BY MR. LORFING:

6 Q. Did you have a concern about what would be in those  
7 cards?

8 A. Oh, yeah, immediately.

9 Q. What was that concern, Ms. Wilkins?

10 A. That she had possibly given him SIM cards that had abuse  
11 of my grandchildren.

12 Q. Is one of your grandchildren in the courtroom today?

13 A. He is.

14 Q. Did you burn those cards like he had asked you to?

15 A. Absolutely not.

16 Q. What did you do with them then?

17 A. I left them there.

18 Q. And did you at any point ever call the police -- I'm  
19 sorry. Let me stop you. Let me ask a question.

20 Why didn't you call the police immediately?

21 A. Well, because Chris's brother, Matthew, had told me once  
22 he was arrested to be prepared that the police are probably  
23 going to be coming and searching your house. And I said,  
24 okay, just let me know and I'll let them in.

25 A whole week went by and nothing happened. Two weeks went

1 by and nothing happened, and I thought, well, wait a minute.  
2 I need to tell Matthew, what do I need to do with this stuff.  
3 If there's evidence on it, they need it, you know. It didn't  
4 seem like nobody was going to come search it, and I needed  
5 that out of my house, and it needed to go to the authorities  
6 to see what was on it.

7 Q. So your expectation was that a search was imminent, that  
8 cops were coming to search the place?

9 A. Oh, yeah. Oh, yeah.

10 Q. And when that didn't happen, did you take matters into  
11 your own hands?

12 A. I did.

13 Q. Who did you reach out to?

14 A. I reached out to Matthew, and Matthew reached out to Agent  
15 O'Leary, and then --

16 Q. Let me stop you. The Matthew you're referring to is  
17 Chris's brother?

18 A. Chris's brother. He's a police officer.

19 Q. And Matthew is employed as a police officer?

20 A. Yes, he is.

21 Q. And it's your understanding Matthew then reached out to  
22 the case agent in this case, Marisol O'Leary?

23 A. He did, yes.

24 Q. At any point did you speak to the case agent, Marisol  
25 O'Leary?

1 A. I did.

2 Q. And what did you tell her?

3 A. I just told her what the phone conversation was, and then  
4 I -- you know, I believed that Chris was innocent. I didn't  
5 want -- you know, I didn't know what was on there, and I  
6 didn't know -- I was afraid that he was going to get blamed  
7 for it. But, there again, I didn't know if it was really his  
8 or if it was Tanya's. I just wanted it out of my house, and  
9 if it was evidence, I wanted it taken.

10 Q. So is it your testimony that you told Agent O'Leary about  
11 the call where Chris had told you to burn these things?

12 A. I did.

13 Q. And did you tell her to come get them?

14 A. I did.

15 Q. And did she ask for consent at that time?

16 A. She asked if she could send two agents down to come get  
17 those items.

18 Q. And what did you say?

19 A. I said, okay, yes.

20 Q. Now, did you ask Chris, your son, if the police could  
21 search the trailer?

22 A. I did not.

23 Q. Did you tell Chris that the police were coming to search  
24 the trailer at any point?

25 A. I think I told him like after Matthew told me, you know,

1 that, hey, they were going to be coming and searching. That's  
2 when I told him that they were going to be coming and  
3 searching, not when I made the call, but, you know, right  
4 after he was arrested, Matthew said, hey, they're going to  
5 come. I just let him know they were going to be coming.

6 Q. Well, when you told your son that cops were coming to  
7 search that place?

8 A. Yes.

9 Q. Did he ever comply or suggest that you should not give  
10 consent?

11 A. No.

12 Q. Did he tell you that cops aren't allowed into my place?

13 A. No.

14 Q. Did he tell you that there is no way that he's going to  
15 allow cops to search without a search warrant?

16 A. No.

17 Q. In fact, he tells you it's up to you whether or not --  
18 only you can allow them to search, right?

19 A. Yes, that's it.

20 Q. Now, ultimately, two law enforcement officers showed up.  
21 Is that your understanding?

22 A. Yes.

23 Q. One of those folks that showed up, was he on the stand  
24 earlier?

25 A. He was.

1 Q. Did you recognize Agent Noack?

2 A. I did.

3 Q. Now, did Agent Noack threaten or intimidate you in any way  
4 into allowing the search of that trailer?

5 A. No, he didn't.

6 Q. In fact, you're the one that called law enforcement and  
7 asked them to come do a search?

8 A. I did.

9 Q. Did you willing and voluntarily sign a consent form  
10 allowing Agent Noack and his partner to search the trailer?

11 A. I did.

12 Q. If you can turn to Exhibit 1 in your notebook, it's  
13 previously been admitted.

14 Is this the form that you signed giving agents consent?

15 A. It is.

16 Q. Did you -- now, after -- during this discussion with Agent  
17 Noack -- I'm sorry. Let me rephrase.

18 Prior to entering the trailer to do the search, did you  
19 speak with Agent Noack for several minutes?

20 A. I did.

21 Q. During this conversation, did you tell him that the  
22 trailer belonged to you?

23 A. I did.

24 Q. Did you tell him that you had access to the trailer?

25 A. I did.

1 Q. Did you make it clear that you could go in and out of that  
2 trailer as you pleased?

3 A. Yes.

4 Q. Did you have a key to that place?

5 A. I did.

6 Q. Was it clear to Agent Noack that you had a key to that  
7 place?

8 A. Yes.

9 Q. What else did you tell him during this conversation?

10 A. I don't know. I was rambling a lot. I was very upset,  
11 heartbroken.

12 Q. Did you ever specifically tell him to search the entire  
13 trailer?

14 A. I did. He came to pick up, I believe, the two items. I'm  
15 not sure. It was my understanding that that was all he was  
16 coming for, and I told him I want this whole place searched.

17 Q. And why did you say that, ma'am?

18 A. Because I didn't know what else might be in there, and I  
19 wanted everything out that had anything to do with the abuse  
20 of my grandchildren.

21 Q. Did you want Agent Noack and his partner to leave without  
22 searching the entire trailer?

23 A. No.

24 Q. Ma'am, before I sit down, I do want to bring it up because  
25 I think it's fair for the Court and opposing counsel to hear



1 this. You have previously been convicted of a crime. Is that  
2 correct?

3 A. Yes, I have.

4 Q. That's felony possession or distribution of drugs?

5 A. Yes. It was possession of a controlled substance.

6 Q. And you were ultimately revoked and spent some time in  
7 prison, correct?

8 A. I did.

9 Q. You pled guilty to that?

10 A. I did.

11 Q. Why did you plead guilty to that?

12 A. Because I was guilty.

13 Q. That was in approximately 2009?

14 A. It was.

15 Q. Can you tell this Court when was the last time you used  
16 drugs? I want to remind you you're under oath.

17 A. Illegal drugs?

18 Q. I'm sorry, contraband, illegal drugs.

19 A. 2009.

20 Q. Are you under any medication or substance that would  
21 inhibit your ability to testify truthfully here today?

22 A. No.

23 Q. Have you answered all of my questions truthfully and to  
24 the best of your ability?

25 A. I have.

1 Q. Ms. Wilkins, I know this has been difficult. Thank you  
2 very much.

3 I pass the witness.

4 THE COURT: Cross examination.

5 MR. BLIZZARD: Thank you, Your Honor.

6 **CROSS EXAMINATION**

7 BY MR. BLIZZARD:

8 Q. Ms. Wilkins, the trailer in question, throughout many of  
9 the conversations you had with Chris on the jail calls, he  
10 frequently refers to it as my house, right?

11 A. Yes.

12 Q. And you don't say anything about disputing that, do you?

13 A. No.

14 Q. Because it was his house to live in, to stay in, if he  
15 wanted to, to take the children to, that kind of thing,  
16 right?

17 A. Well, it was for him to stay in. It was to be a temporary  
18 solution.

19 Q. Sure.

20 A. So that he could get the children.

21 Q. Have you ever had any rental property, ma'am?

22 A. Any what? I'm sorry.

23 Q. Rental property, had any rental property?

24 A. No.

25 Q. Are you aware that, if you allow somebody to stay in a

1 place, rent, no rent, whatever, you can't just kick him out?

2 Are you aware of that?

3 A. No, but he's my son. I wouldn't have kicked him out.

4 Q. Right. You would have to go through a formal eviction  
5 process to remove somebody you didn't want to stay in a place  
6 you allowed them to live?

7 A. Okay. I don't know that, but okay.

8 Q. How many times have you talked with agents from the  
9 government or the U.S. Attorney's Office in this case?

10 A. I can't give you an exact number.

11 Q. More than ten?

12 A. I've been kind of out of my mind ever since he was  
13 arrested. It's heartbreaking.

14 Q. Is it more than ten?

15 A. No. It wasn't that many.

16 Q. How many would you say?

17 A. I would say, I don't know, four or five is the best I can  
18 recall, if that many.

19 Q. Okay. So who talked to you about this idea of a right of  
20 privacy? That was the first question Mr. Lorfin asked you --

21 A. Yes.

22 Q. -- is if you believe Chris had a right of privacy in that  
23 trailer. Who talked to you about what that means?

24 A. Who spoke to me and told me about what that is you mean?

25 Q. Uh-huh.

1 A. Mr. Russell. I don't know how to say his last name.

2 Q. Lorfing? Mr. Lorfing?

3 A. Okay.

4 Q. So what did he explain to you about what the right of  
5 privacy is?

6 A. He just told me that a right of privacy is that you have a  
7 place that you might live that you have the right to -- just  
8 because you're there, you have that right and that gives you  
9 privacy automatically is the way I took it.

10 Q. Okay. So let me ask you this. Do you think that  
11 Mr. Regan had the right to exclude other people besides you  
12 from that trailer?

13 A. To exclude other people besides me?

14 Q. Yes.

15 A. I guess if somebody came over.

16 Q. Well, like say he's watching TV at night sitting on the  
17 couch?

18 A. Yeah.

19 Q. Someone comes up to the door and they want to come in. Do  
20 you think he has the right to tell them to go away?

21 A. Well, yeah, he wouldn't call and ask me if they could come  
22 in or not if it was somebody he wanted to see.

23 Q. Do you think if Mr. Regan was there in the residence and  
24 you came over, and you said, hey, you know, I want to talk to  
25 you for a minute, and he said, nah, Mom, I don't want to talk

1 to you right now. I want to watch TV, or I have a headache.  
2 I want to lay down. Do you think you would respect his  
3 decision and you would go away?

4 A. It would depend on what it was I wanted to talk to him  
5 about. No, if I had something to say and I needed to talk to  
6 him about it, I'd do it anyways.

7 Q. Okay. So you would just barge in and you would just be  
8 there. Is that your position?

9 A. Yeah, I guess you could say that, if that's what you want  
10 to say.

11 Q. All right. Now, you say you've been in the residence a  
12 number of times and used the key. Where would you go when you  
13 would go in the residence, 124?

14 A. Well, I would walk through the door. It's a very small  
15 place, you know. You can walk in the front door and you can  
16 see all the way back to the bedroom, but I would walk in.  
17 Sometimes I would go back to the bedroom to see if he had  
18 stayed the night.

19 Q. Okay.

20 A. I would walk into the living room and turn off the lights,  
21 the heaters is usually where that was in the living room, and  
22 just walk through the whole house and make sure everything was  
23 turned off and everything was okay.

24 Q. All right. So besides checking on the place, when Chris  
25 was gone and in jail, would you still walk all over the whole

1 residence, or would you just kind of come in and look in every  
2 now and then, or what?

3 A. No, because nobody was there.

4 Q. So when you would come over to the residence, when Chris  
5 was in jail, where would you go?

6 A. I don't really know.

7 Q. What would be your purpose of going over there?

8 A. I have no idea. There would be several purposes, but I  
9 can't tell what they would be.

10 Q. You went over there a couple of times to drink tequila,  
11 right?

12 A. If that's what it said, yes.

13 Q. Well, I mean, I think you said in the jail calls?

14 A. Probably, yes.

15 Q. Do you recall going over there for any other purpose  
16 besides that?

17 MR. LORFING: Your Honor, I'm going to object, asked  
18 and answered. She's answered this on this cross examination,  
19 going to turn off the heater, going into the bedroom, turning  
20 off the air conditioner.

21 THE COURT: Can you conclude quickly?

22 MR. BLIZZARD: Yes, sir.

23 BY MR. BLIZZARD:

24 Q. When Chris was in jail besides going to drink tea kill  
25 would you go in there for any other purposes?

1 A. Yes.

2 Q. What were those purposes?

3 A. Sometimes to just sit on the couch and cry.

4 Q. Just to be alone?

5 A. Yes.

6 Q. Would you agree with me, ma'am, that you didn't go back  
7 into the bedroom?

8 A. Do what?

9 Q. Do you agree that you did not go back into the bedroom?

10 A. No, I don't agree to that. I was all over the house.

11 Q. Okay.

12 THE COURT: Ms. Wilkins, I'm inferring from what you  
13 just said about that was a good place to go and cry, that that  
14 was a place where you sought privacy. Is that fair to say?

15 THE WITNESS: I wanted to be where he had been. I  
16 wanted to sit where he had sat.

17 THE COURT: Once you recover yourself, tell me why  
18 you wanted to sit where he had sat.

19 THE WITNESS: Because he was gone, and I love my son,  
20 and I was afraid I wasn't going to get to see him again.

21 THE COURT: Okay.

22 BY MR. BLIZZARD:

23 Q. Ms. Wilkins, just tell me when you're ready to proceed.

24 A. I'm ready.

25 Q. Did you have an agreement with Chris that he could stay

1 there and he would fix up the place?

2 A. That he could stay there if he would fix up the place?

3 Q. Uh-huh.

4 A. You mean like an exchange for rent or something like that?

5 Q. Well, I mean, he could stay there and he would fix up the  
6 place as a part of staying there?

7 A. No -- well, no, that wasn't the deal. I fixed up the  
8 place. I got the plumbers out there.

9 Q. Okay. So the mailbox, he put up a mailbox, right?

10 A. My brother did.

11 Q. He did it with your brother, didn't he?

12 A. No, I don't think so. He may have. I really don't  
13 remember, but my brother is the one that --

14 Q. The mailbox was for Chris, right?

15 A. Yes.

16 Q. It had Regan on it indicating he lived at that residence,  
17 right?

18 A. Yes.

19 Q. He did, in fact, make repairs?

20 A. I'm sorry. What did you say?

21 Q. Chris did, in fact, make repairs, correct?

22 A. Yes, he did.

23 Q. Do you remember him installing a pole?

24 A. Yes.

25 Q. Putting in a TV antenna?



1 A. He did.

2 Q. Putting in some sidewalk-type bricks on the outside?

3 A. He did, yes.

4 Q. Putting some stairs up to the back door?

5 A. He did.

6 Q. He worked on a wall in the interior?

7 A. Yes, I believe he did, yes.

8 Q. Okay.

9 THE COURT: I have a question for you.

10 You mentioned earlier that you felt at liberty to barge in  
11 and go in any time you wanted to.

12 THE WITNESS: Yes, sir.

13 THE COURT: Is that correct?

14 THE WITNESS: It is.

15 THE COURT: If when you barged in and he had said to  
16 you, Mom, I really wish you wouldn't do that. I don't want  
17 you to come barging in anymore. I want you to knock before  
18 you come in and treat this as my place, what would you have  
19 said?

20 THE WITNESS: I would have probably laughed. He  
21 would never have said that. He wouldn't have ever said that,  
22 but if he had, we probably would have words about it because  
23 that would not be the case. It's my home. I can go in there  
24 any time I want, but he would never have said that to me  
25 ever.

1 THE COURT: All right.

2 BY MR. BLIZZARD:

3 Q. Ma'am, do you have that notebook in front of you with the  
4 hearing exhibits? One of the exhibits that's been entered  
5 into evidence is Government's Exhibit 10, right?

6 A. Yes.

7 Q. Those are the electric bills for both 120 and 124 Private  
8 Road, right?

9 A. Yes, they are.

10 Q. In looking at these bills, looking at 124 Private Road,  
11 would you agree with me that there is a substantial meter read  
12 that is even more than the 120 Private Road?

13 A. Is there a certain one you're referring to?

14 Q. Sure, if you will look at the third page and the fourth  
15 page?

16 A. The third page is where I live.

17 Q. The third page is where you live. It's for the same  
18 period of time, right?

19 A. Yes, and the second one is his, which is the 142.

20 Q. Right. So his is a little bit less but still as if  
21 somebody lives there, right?

22 A. Yes.

23 Q. And this is for the period of, I guess, what is going to  
24 account for January. Is that right? Is that your  
25 understanding of this bill?

1 A. Let me see.

2 Q. Total as of 1-30-2019 is what it says at the bottom?

3 A. Yes, I see that. Okay, yeah.

4 Q. So this is in January, he has a bill that's almost as much  
5 as your bill?

6 A. Yeah, we do. That's due to the heaters being left on, and  
7 that's how I knew I had to start going and turning those  
8 things off.

9 Q. There were some questions asked to you by Mr. Lorfing  
10 about this idea that the only way that the police or law  
11 enforcement are going to get into the trailer where Chris had  
12 resided in was if you let them. Do you recall that  
13 questioning, about a jail call?

14 A. I guess. I'm not exactly sure what you're asking me.

15 Q. Sure. I'll give you a little background here.

16 There was a jail call between you and Chris, and you may  
17 have heard it earlier played where he says the only way the  
18 police are going to get in there is if you let them.

19 A. Yes, I do remember that call.

20 Q. And would you agree with me by Chris's demeanor in that  
21 call, he's not wanting the police to come in and search that  
22 residence?

23 A. Probably. I'm not sure exactly. He was just letting me  
24 know because I don't know a lot about that. The only way they  
25 could get in there is if I let them. I can't tell what his

1 demeanor was, what it sounded like.

2 Q. Okay. But aren't you pretty certain that when you granted  
3 consent for Agent Noack to search that residence, that's not  
4 something that Chris wanted, is it?

5 MR. LORFING: Your Honor, I'm going to object to  
6 speculation. Essentially, asked and answered as well.

7 THE COURT: Overruled. You may answer.

8 A. Well, what he told me to get rid of, probably not.

9 BY MR. BLIZZARD:

10 Q. Okay. So the answer is, no, he didn't want that search to  
11 take place?

12 A. Well, I don't know for sure. I would be guessing. I  
13 would say, probably not. He didn't say, no. I can't know  
14 what he's thinking, to be honest.

15 Q. I want to talk to you for a minute about another topic  
16 here.

17 One of the things that you produced to Agent Noack after  
18 the fact was a backpack and some papers. Do you recall that?

19 A. Yes, I do.

20 Q. And these items were Chris's backpack?

21 A. Yes, they were.

22 Q. They were not in the trailer?

23 A. No, they were not.

24 Q. They were left in your truck?

25 A. They were.

1 Q. And Chris had driven that truck, right?

2 A. Yes.

3 Q. And he had left the backpack in the truck?

4 A. Yes.

5 Q. And you came and just produced it to Agent Noack, gave it  
6 to him and said, take this, too, pretty much?

7 A. I told him to take this and search it because I had not  
8 opened it. I just took it out of the truck in my home, just  
9 to get it out of the truck. I didn't know what was in it and  
10 I wanted it searched.

11 Q. It wasn't your backpack?

12 A. It was not.

13 Q. You didn't share ownership of that backpack, did you?

14 A. Well, it was in my vehicle, so ...

15 Q. I understand that, ma'am, but did you share ownership of  
16 the backpack or not?

17 A. No, I did not.

18 Q. So did you -- all right. Ma'am, you said that you  
19 believed that Mr. Regan was staying at a residence with Miss  
20 Peoples and Tanya Regan. Is that right?

21 A. Yes.

22 Q. And you believed that because you drove by and you saw his  
23 vehicle there on one occasion, correct?

24 A. That's true.

25 Q. Is that the only time you saw that he was over there?

1 A. That's the only time I drove by to see, yes.

2 Q. And would you agree with me that he did not have the  
3 ability to, like you said, take a shower at that trailer?

4 A. No, he couldn't -- I mean --

5 Q. He could take a cold shower?

6 A. There was no hot water in that trailer.

7 Q. And he and Leta Peoples have a long-standing relationship,  
8 right? I mean, they have known each other for years?

9 A. Oh, yes.

10 Q. It's Tanya's mother, right?

11 A. Yes.

12 Q. And it wouldn't be surprising that he would associate with  
13 her in some regard, is it?

14 A. No, it's not.

15 Q. Ma'am, prior to Mr. Regan telling you to go get those  
16 cards and you going and opening that dresser drawer and  
17 getting those cards or seeing the cards, did you ever look in  
18 that drawer previously?

19 A. No.

20 Q. Had you ever gone through any of those drawers of that  
21 dresser?

22 A. No, I wouldn't think so. There wouldn't be no reason for  
23 me to.

24 Q. Contained within that drawer are things like socks and  
25 underwear, right?

1 A. Yes.

2 Q. And prescriptions?

3 A. I don't remember that.

4 Q. Nevertheless, you don't exactly want everybody to see your  
5 underwear, right, all the time?

6 A. I don't want them to see mine, no.

7 Q. So you would understand that a person would want to keep  
8 their underwear drawer private, correct

9 A. Yeah, but --

10 Q. Just "yes" or "no"?

11 A. Yes.

12 Q. And you understand that when Chris told you to go get the  
13 cards and burn them or whatever, he wanted you alone to take  
14 action, right? He didn't want you to call the government.  
15 You to get somebody else to do anything. He wanted you to go  
16 into his trailer?

17 A. Yes, he did.

18 Q. For a limited purpose of doing what he asked you to do,  
19 right?

20 A. Yes, I guess so.

21 Can I say something?

22 Q. No, ma'am. It's a question and answer format here.

23 Would you turn to what's been put in the government's book  
24 as Number 2 tab?

25 A. Okay.

1 Q. And you -- have you been -- you've been in this trailer  
2 and you've looked at these photographs -- or excuse me. Look  
3 at these photographs now, if you would. Have you looked  
4 through all those?

5 A. No, I have not.

6 Q. Okay. Look through all of them for me, please.

7 (Brief pause in proceedings)

8 Q. Have you had a chance to look through all those?

9 A. Excuse me?

10 Q. Have you had a chance to look through all those?

11 A. No. This is the first time I've seen them.

12 Q. Okay. You can go on.

13 (Brief pause in proceedings)

14 THE COURT: We're going to need to take a lunch break  
15 fairly soon. Will you be finished with your questioning?

16 MR. BLIZZARD: Yes, sir, I will.

17 THE COURT: I'm not rushing you. I'm just asking.

18 MR. BLIZZARD: Once I get through these photos is  
19 when I'm going to wrap it up.

20 THE COURT: Will you have redirect?

21 MR. LORFING: Yes, Your Honor.

22 THE COURT: Brief, you think?

23 MR. LORFING: I think very brief.

24 THE COURT: Okay. So how long do you think it will  
25 take you to go through --



1 MR. BLIZZARD: Not very long, Your Honor, five  
2 minutes.

3 THE COURT: Okay. Go ahead.

4 BY MR. BLIZZARD:

5 Q. Have you had a chance to look at those photos?

6 A. Yes.

7 Q. Are those photos of 124 Private Road, 5503?

8 A. They are.

9 Q. And are they a fair and accurate depiction of the  
10 exterior/interior and some of the items recovered from the  
11 residence?

12 A. They are.

13 Q. Do they appear to be altered in any way?

14 A. No.

15 Q. And then toward the end of the photographs, there is a  
16 backpack. Do you recognize that backpack as the backpack that  
17 you produced?

18 A. I do.

19 Q. Is that a true and accurate photograph?

20 A. It is.

21 Q. There is also some photograph of a receipt and mail. Is  
22 that something you produced to law enforcement?

23 A. I don't think I -- I think it was just in a stack of  
24 papers that had been -- I mean, it was in a stack of papers  
25 that was in my truck that, I guess, they found in there. I

1 did never look through them all.

2 Q. Okay. But did you see these things on the day in  
3 question?

4 A. I did.

5 Q. Are these true and accurate to what you saw that same  
6 day?

7 A. It is.

8 MR. BLIZZARD: Your Honor, I would propose to take  
9 Government's Exhibit Number 2 and make it Defendant's Exhibit  
10 1 and offer that into evidence at this time.

11 THE COURT: Is there objection?

12 MR. LORFING: No objection, Your Honor.

13 THE COURT: Government's Exhibit 2, as yet  
14 unadmitted, is now admitted as Defendant's Exhibit 1.

15 MR. BLIZZARD: Thank you, Your Honor.

16 BY MR. BLIZZARD:

17 Q. Ma'am, I wanted to point out, when I was talking to you  
18 earlier about the improvements of the residence, the sidewalk  
19 looking bricks out here?

20 A. Yes.

21 Q. That's what he installed. That's in the first photograph?

22 A. It is.

23 Q. And these stairs at the back of the trailer, he installed  
24 those?

25 A. Yes, he did.

1 Q. Then as we go into the trailer, the third photograph, do  
2 you have that in front of you?

3 A. Okay, yes.

4 Q. This is where Mr. Regan was sleeping, correct? When he  
5 would stay there, he would sleep in this room?

6 A. When he was there, I'm assuming he would either sleep  
7 there or on the couch.

8 Q. All right. And these clothes in this closet, those are  
9 his clothes?

10 A. Yes.

11 Q. These pillows and sheets, things like that, those are  
12 things he slept in, if he slept in that bed?

13 A. Yes. If he slept there, yes.

14 Q. And the dresser in question here is depicted in Picture 3  
15 kind of underneath the TV, right?

16 A. Yes. That's a built-in dresser.

17 Q. Picture 4 is a picture of a closet where we see a pillow  
18 and this looks like a camera case. Is that right?

19 A. Yes.

20 Q. There is a picture of what looks to be a security camera  
21 on the next page, which is 5. Do you see that? Is that  
22 right?

23 A. Yes.

24 Q. And there is additional medications and what appears to be  
25 a bucket on Page 7 and 8 next to the camera?

1 A. Yes, I see it.

2 Q. Those are Chris's medications, right?

3 A. Yes.

4 Q. When you get to Page 11, this is the dresser drawer in  
5 question, correct?

6 A. Page 11?

7 Q. Yes. They are marked at the bottom if you haven't noticed  
8 that?

9 A. I'm sorry. Do what?

10 Q. They are marked at the bottom of the page, the little  
11 numbers. Do you see that?

12 THE COURT: Bottom left.

13 A. Okay. There it is, yes.

14 BY MR. BLIZZARD:

15 Q. And this is the sock and underwear drawer, right?

16 A. It is.

17 Q. And then opening up the drawer, Page 12, that is the disks  
18 or SD cards, SIM cards, in question, right?

19 A. Yes.

20 Q. They weren't here like this, were they?

21 A. What do you mean?

22 Q. You had to move some things to see those, right?

23 A. Yes. They were stacked in the right-hand corner,  
24 though.

25 Q. So this blue cloth and these socks, and whatever all these

1 clothing and materials, were covered, right?

2 A. Yes.

3 MR. BLIZZARD: I'll pass the witness, Your Honor.

4 THE COURT: Redirect?

5 MR. LORFING: Thank you, Your Honor.

6 **REDIRECT EXAMINATION**

7 BY MR. LORFING:

8 Q. Ms. Wilkins, we have less than five minutes and you're  
9 done.

10 There is talk about how Chris would refer to the trailer  
11 as his house. Can you explain that to the Court?

12 A. Well, yes, because the house I live in and then that  
13 house, if I had said -- I called it his house just like I  
14 would call it anybody's house who was staying there. It was  
15 different from the one that I was living in and that one.

16 Q. So you think it's just semantics. It's not his house?

17 A. No, it's mine.

18 Q. And do you believe Chris thought or knew that it wasn't  
19 his house?

20 A. Yeah, he knew it wasn't. He didn't ask for it to be.

21 Q. Ma'am, the first time we met was two days ago. Is that  
22 right?

23 A. It is.

24 Q. We have spoken maybe five or ten times on the phone?

25 A. Yes.

1 Q. You have spoken to your son probably over a hundred times  
2 in the last several months, correct?

3 A. Yes.

4 Q. You've talked about this case?

5 A. I think in the beginning, I did. I don't -- to be honest,  
6 I really don't know. There were so many phone calls.

7 Q. Understood.

8 Ma'am, you had mentioned earlier you would often go into  
9 the house and just sit on the couch and cry?

10 A. Yes.

11 Q. And you had mentioned that you would go into the house at  
12 will when you wanted. Is that right?

13 A. Yes.

14 Q. Did you believe you had the right of privacy in that  
15 house?

16 A. Meaning I had the right to go in there and do what I want.  
17 Is that what you mean?

18 Q. However you interpret the word "privacy"?

19 A. Yeah. That's my house.

20 Q. There was a question earlier regarding a sock drawer,  
21 underwear drawer, and you had testified a moment ago that you  
22 had never -- you couldn't recall ever opening that drawer?

23 A. No, I didn't. I wasn't looking at his stuff.

24 Q. You had previously done so when he asked you to, though,  
25 right?

1 A. Yes.

2 Q. Is it true that you had testified earlier that you  
3 believed that, if you wanted to, you could have come and  
4 walked in there and opened up and pulled out some socks?

5 A. Yeah. He's my son.

6 Q. Ma'am, earlier you tried to say something, and opposing  
7 counsel said it was a "yes" or "no" question and answer  
8 format.

9 A. Yes.

10 Q. What did you want to say?

11 A. All these questions -- excuse me. It's like you all are  
12 talking about a stranger. It's my son. We didn't have that  
13 kind of relationship. He walked in my house. He just walked  
14 in and I walked in over where he was staying. He walked in  
15 and pulled out any drawer as I could with his. We're not  
16 talking about a stranger. We're talking about my son.

17 Q. I notice it's been difficult, and I appreciate your time,  
18 ma'am.

19 The fact that he was your son, did that change your right  
20 of access to that house?

21 A. No.

22 MR. LORFING: Thank you, ma'am. No further  
23 questions.

24 THE COURT: You may step down.

25 MR. LORFING: Your Honor, I'm very aware of the time.

1 With the Court's permission, I can put on a five minute  
2 witness to end the government's case this morning, or if the  
3 Court prefers, we can break for lunch.

4 THE COURT: Are you going to present anything?

5 MR. BLIZZARD: No witnesses, Your Honor.

6 THE COURT: I'm going to go ahead and recess and  
7 we'll pick it back up. It will give me a chance to think  
8 about what I have heard with my law clerk.

9 MR. LORFING: Yes, Your Honor.

10 THE COURT: It's 12:15. Let's return here at 1:30.

11 (Hearing recesses, 12:10 - 1:30 p.m.)

12 BURTON REAVIS, testified under oath as follows:

13 **DIRECT EXAMINATION**

14 BY MR. LORFING:

15 Q. Agent Reavis, are you ready to proceed?

16 A. Yes, sir.

17 Q. Sir, can you please tell us how you're employed?

18 A. I am a special agent with Homeland Security  
19 Investigations. I'm assigned to the Tyler resident agency.

20 Q. And are you familiar with the facts surrounding the  
21 investigation and the search involving this case?

22 A. I am, sir.

23 Q. Are you prepared to testify to the facts today?

24 A. Yes, sir.

25 Q. First, were you involved in the search at the trailer that



1 we've been discussing here today?

2 A. Yes, sir. I was involved in the search and in the  
3 arrest.

4 Q. In fact, you were present throughout that entire search.  
5 Is that correct?

6 A. Yes.

7 Q. And preparing for this hearing today, did you interview  
8 other witnesses?

9 A. Yes, I did, sir.

10 Q. Was I present in those interviews?

11 A. Yes, sir, you were.

12 Q. Did I ask some questions?

13 A. Yes, sir, you did.

14 Q. Were you present during the entirety of those  
15 interviews?

16 A. Yes, sir.

17 Q. I want to talk to you about an interview we conducted with  
18 Leta Peoples. Can you tell the Court who Leta Peoples is?

19 A. Leta Peoples is the mother-in-law of the defendant.

20 Q. And did you speak to her specifically about the defendant,  
21 Christopher Regan?

22 A. Yes, I did.

23 Q. Did you have a chance to ask Ms. Peoples during the months  
24 of January and February 2019 where Christopher Regan would  
25 typically eat?

1 A. Yes, I did. She indicated that he ate dinner at her house  
2 frequently.

3 Q. Did you have an opportunity to ask Ms. Peoples where  
4 Christopher Regan would typically shower?

5 A. She said that he took showers at her house, and if he was  
6 taking showers somewhere else -- well, she did not know where  
7 else he might be taking showers.

8 Q. Did she indicate that he frequently would take showers at  
9 her house?

10 A. Yes.

11 Q. Did you have a chance to ask her if Christopher Regan  
12 would sleep frequently at her house?

13 A. Yes, I did.

14 Q. What did she tell you?

15 A. She indicated that he did sleep at her house frequently.  
16 She was unsure as to the exact frequency of how often he did  
17 it because she stated that sometimes she would go to bed and  
18 he was still there.

19 Q. And so on those occasions where she would go to bed before  
20 he did, she didn't want to testify whether or not he actually  
21 spent the night that night?

22 A. Correct.

23 Q. But it was your understanding that on those nights that  
24 she would go to bed and he would still be at the house?

25 A. Yes.

1 Q. During these months, it wasn't just Christopher Regan that  
2 was sleeping there. Is that correct?

3 A. That's correct.

4 Q. Would Leta Peoples and his wife, Tanya Regan, also be  
5 there?

6 A. Yes.

7 Q. In addition to those questions, sir, I want to talk to you  
8 about -- I think we referred to it as the critical response  
9 time.

10 There was some testimony -- I believe you've been in the  
11 Court this entire time?

12 A. Yes.

13 Q. Regarding the urgency of this search, can you speak to  
14 that, sir?

15 A. Yes, sir. I have to disagree with my partner as to  
16 whether or not there was exigency in this circumstance. I  
17 have investigated several child pornography cases, and the  
18 fact that a family member is willing to turn over evidence is  
19 no guarantee that by the time we actually get there, they  
20 won't have changed their mind. So as soon as I received the  
21 phone call saying that Ms. Wilkins was prepared to turn over  
22 evidence, I believed that we needed to get out there as  
23 quickly as possible before she realized how much harm this  
24 could do to her son and change her mind and possibly destroy  
25 evidence.

1 Q. Was there a general understanding that Ms. Wilkins had  
2 informed you guys that Chris was asking her to destroy  
3 evidence?

4 A. Yes.

5 Q. So knowing that there was a chance this evidence could be  
6 destroyed, did that impact your decision on whether or not it  
7 was urgent that you got there?

8 A. Yes, sir. I felt it was urgent for us to get there as  
9 soon as possible.

10 Q. Now, where were you at the time you received the call to  
11 help?

12 A. I was actually at a doctor's appointment.

13 Q. And what did you do when you received that information?

14 A. As soon as I received the information, I contacted the  
15 nurse. They know that I'm in law enforcement. I told them  
16 that I had a situation come up and I needed to be pushed to  
17 the front of the line. They complied and moved me to the  
18 front of the line and got me out as quick as possible so that  
19 I could arrive and assist Agent Noack.

20 Q. Essentially, you were just getting a shot. Is that  
21 correct?

22 A. Yes.

23 Q. So you got the shot and you booked it?

24 A. Yes.

25 Q. You didn't say, we'll just do the search a couple days

1 from now?

2 A. Absolutely not.

3 Q. From the time you received the phone call to the time you  
4 arrived at Ms. Wilkins's property, how much time had  
5 elapsed?

6 A. An hour and 15 minutes, possibly.

7 Q. About how long was that driving time to get there?

8 A. An hour.

9 Q. So you would estimate that within about 15 minutes of  
10 receiving the call, you were on your way to retrieving this  
11 property?

12 A. Give or take, yes, sir.

13 Q. Did you believe that there was a risk that the property  
14 could be destroyed?

15 A. Yes.

16 MR. LORFING: No further questions. Thank you.

17 THE COURT: Cross examination.

18 MR. BLIZZARD: Thank you, Your Honor.

19 **CROSS EXAMINATION**

20 BY MR. BLIZZARD:

21 Q. Is it pronounced Reavis?

22 A. It's pronounced Reavis.

23 Q. How are you doing today, sir?

24 A. Pretty good.

25 Q. Agent Reavis, you said you were present for the arrest as

1 well, I believe. Is that part your testimony, of Christopher  
2 Regan?

3 A. Yes.

4 Q. Did you have occasion to participate in any of the  
5 interview of Mr. Regan on what would be February 13?

6 A. I did not participate in the interview. Special Agent  
7 Noack and a DPS investigator conducted that interview.

8 Q. Did you review that interview?

9 A. I did not, sir.

10 Q. You never have?

11 A. No, sir.

12 Q. Have you discussed the contents of that interview with  
13 your partner?

14 A. I have in general terms, yes.

15 Q. Was it relayed to you at the time that Mr. Regan reported  
16 that the 124 address was his residence?

17 A. Yes. He identified that as his place of residence.

18 Q. All right. And you knew that before going out to this  
19 scene, right?

20 A. Yes.

21 Q. Part of your testimony, I suppose, focuses on the idea  
22 that this was what you're calling an exigent circumstance of  
23 the interview?

24 A. Yes.

25 Q. How long have you been in law enforcement?

1 A. Approximately 22 years.

2 Q. And you know, don't you, that warrants can be obtained  
3 relatively quickly?

4 A. Yes, sir.

5 Q. For example, people, state troopers in the state of Texas,  
6 get blood draw warrants in a matter of minutes or an hour,  
7 right?

8 A. I believe that's correct.

9 Q. So what prevented you from you and Agent Noack going to  
10 the scene and securing it and then applying for a warrant? Is  
11 there something that prevented you from doing that?

12 A. Once we reached the scene and secured consent, there was  
13 no need for a warrant.

14 Q. Right, but that's not my question. My question is, was  
15 there something that prevented you from just securing the  
16 scene and getting a warrant?

17 A. We saw no need to get a warrant after we got consent. So  
18 we didn't choose to pursue that offense.

19 Q. I understand, but I really need you to answer that  
20 question, though. Was there anything that stood in the way of  
21 you getting the scene secured and getting a warrant?

22 A. I'm not sure I'm understanding your question.

23 Q. I understand that you got consent. Therefore, you don't  
24 think you needed a warrant. We're talking in the situation  
25 of, had you decided to secure the scene and get a warrant

1 instead of getting consent, is that something you could have  
2 done?

3 A. Oh, if you're saying if that was a possibility, yes, we  
4 could have presented it that way.

5 Q. I apologize if that wasn't clear to you before.

6 You have this conversation with Ms. Peoples about the  
7 extent of the time that she stayed over at her house, right?

8 A. Yes, sir.

9 Q. When did that conversation take place?

10 A. That conversation took place in two parts. Part of it was  
11 this morning and part of it was Wednesday of this week.

12 Q. Do you think that anything about what she told you would  
13 be inconsistent with her believing that Mr. Regan also stayed  
14 at 124 Private Road? Is that confusing?

15 A. I'm not for sure.

16 Q. I'll rephrase it for you.

17 Is there anything that she told you in the interviews that  
18 would lead you to believe that Chris Regan did not stay at 124  
19 Private Road?

20 A. Again, she told me that he frequently stayed at her house,  
21 and she didn't know where he was the other times.

22 Q. Okay. But there was nothing said that she believed he  
23 didn't say that?

24 A. There was nothing precluding that, no.

25 Q. You heard your, as you said, partner, Agent Noack's,



1 testimony earlier today, right?

2 A. Yes, sir, I did.

3 Q. And his recollection of the facts and discussion with  
4 Ms. Wilkins when you all arrived on the scene?

5 A. Yes, sir.

6 Q. Do you have any different recollection than what he has  
7 described?

8 A. No, sir.

9 Q. Any additional facts or different facts or, perhaps, you  
10 didn't hear the same thing, anything that stands out to you?

11 A. No, sir.

12 Q. So you would concur with his testimony a hundred  
13 percent?

14 A. Yes, sir.

15 Q. I'm just trying to confirm where you're at so we don't  
16 have to go through it all again.

17 All right. I'll pass the witness.

18 THE COURT: Redirect?

19 MR. LORFING: Yes, sir.

20 **REDIRECT EXAMINATION**

21 BY MR. LORFING:

22 Q. Agent Reavis, you were in the courtroom earlier when  
23 opposing counsel asked your partner a question regarding  
24 clothing of Christopher Regan. I believe he had asked your  
25 partner if it was a telltale sign of someone's residence if

1 they had clothes there?

2 A. Yes, sir.

3 Q. Did you ask Ms. Peoples if Christopher Regan also had  
4 clothes at her place?

5 A. Yes, I did.

6 Q. And what did she tell you?

7 A. She reported that he had several pairs of jeans, T-shirts,  
8 at least one pair of shoes, socks and underwear. Most of it  
9 was piled in a laundry basket in the same bedroom that Tanya  
10 Regan was occupying.

11 MR. LORFING: No further questions.

12 THE COURT: You may step down, sir.

13 The government may call its next witness.

14 MR. LORFING: Your Honor, the government has no  
15 further witnesses.

16 THE COURT: Does the defense have anything?

17 MR. BLIZZARD: Your Honor, we would briefly call Leta  
18 Peoples.

19 THE COURT: Good afternoon.

20 THE WITNESS: Good afternoon.

21 (Witness sworn by the Court)

22 THE COURT: You may be seated.

23 LETA PEOPLES, testified under oath as follows:

24 **DIRECT EXAMINATION**

25 BY MR. BLIZZARD:

1 Q. State your name, please.

2 A. Leta Peoples.

3 Q. All right. Ms. Peoples, you've been in the courtroom  
4 during the duration of today's testimony?

5 A. Yes, sir.

6 Q. Did you have an opportunity to speak with Mr. Pueschel  
7 over here from my office regarding this case?

8 A. Yes, at one time.

9 Q. Okay. And in your talk with Mr. Pueschel, did you confirm  
10 to him that it was your belief that Christopher Regan resided  
11 at least in part at 124 Private Road?

12 A. Yes, he did.

13 Q. And he also spent some time at your residence?

14 A. Yes, he did.

15 Q. If you had to put a number on it of how many days of the  
16 week he would appear at your residence, how many days of the  
17 week do you think it would be?

18 A. It was several days that I -- you know, a few days that I  
19 did invite him to come eat.

20 THE COURT: Can you come closer to the microphone,  
21 please?

22 THE WITNESS: I'm sorry, sir.

23 THE COURT: That's all right.

24 A. There was a few days that I invited him over to eat, but  
25 as far as staying the night, I'm not real sure, but it was

1 probably maybe three days.

2 BY MR. BLIZZARD:

3 Q. Three days a week?

4 A. Approximately. I'm not real sure.

5 Q. Okay. And was part of the primary purpose of Mr. Regan  
6 coming to your residence to do laundry and shower and things  
7 of that nature?

8 MR. LORFING: Objection, leading.

9 THE COURT: I'll allow it. You may answer.

10 A. He asked me if he could, and I told him, yes.

11 BY MR. BLIZZARD:

12 Q. Is that something that he did when he was over there?

13 A. Not all the time.

14 Q. And I believe another thing you told Mr. Pueschel was  
15 that, when Mr. Regan would come over, Tanya would stay away  
16 back in the bedroom. Is that right?

17 A. Yes.

18 MR. LORFING: Objection, leading, Your Honor.

19 THE COURT: Sustained.

20 BY MR. BLIZZARD:

21 Q. Where would Tanya be when Mr. Regan would come over?

22 A. She stayed mostly in her bedroom.

23 Q. So did it appear to you that he was there to socialize and  
24 live with her as husband and wife?

25 A. No.

1 Q. At that time were you aware of the legal status of their  
2 marriage?

3 A. Yes.

4 Q. Were you aware of the petition that Mr. Regan had filed  
5 for divorce against Tanya?

6 A. Yes.

7 Q. Was Tanya living with you?

8 A. Yes.

9 Q. Had she lived with you since she bonded out on the sexual  
10 assault charge?

11 A. After she bonded out, she stayed in a motel there for  
12 awhile there in Big Spring.

13 Q. Okay.

14 A. And after a point it got too expensive, she asked me if  
15 she could go to my house. She went to my house, and I was  
16 staying with the kids.

17 Q. Did it appear to you that Chris and Tanya were separated  
18 as far as not co-habitating?

19 A. At that time, yes.

20 MR. BLIZZARD: No further questions.

21 THE COURT: Cross examination.

22 **CROSS EXAMINATION**

23 BY MR. LORFING:

24 Q. Ms. Peoples, we've met before, right?

25 A. Yes, sir.

1 Q. We've met on two occasions?

2 A. Yes, sir.

3 Q. You recall I asked you several questions about Mr. Regan  
4 and where he resided just two days ago?

5 A. Yes.

6 Q. Do you remember telling me that Mr. Regan would frequently  
7 stay at your house?

8 A. Yes.

9 Q. And you said it was most nights. Do you recall that?

10 A. Yes.

11 Q. Do you recall saying that on the other nights that you  
12 weren't sure about, it's because you went to bed before him.  
13 So you couldn't tell me if he spent the night there or not?

14 A. Yes.

15 Q. Did you ever see Mr. Regan spend the night at Stephany's  
16 house?

17 A. One time he called me to come over. He wanted to talk to  
18 me, and I went over there. It was dark, you know. And I  
19 talked to him and then I left and went back home, and he was  
20 still there.

21 Q. Other than this one occasion, can you recall any other  
22 time that you had personal knowledge that he was staying at  
23 Stephany Wilkins's house?

24 A. No.

25 Q. You're aware that your daughter has pled guilty to the

1 production of child pornography of your grandchildren?

2 A. I wasn't sure of the charges, but, yes.

3 Q. Did it strike you as strange that even though this came  
4 out, that Chris Regan would go and spend the night with her  
5 there?

6 A. Well, when I would get up in the mornings, he would be on  
7 the sofa or in the spare bedroom, not in her room.

8 Q. My question is, did it strike you as strange that he would  
9 be over with his wife after learning of what she did to her  
10 children?

11 A. I don't know how to answer that. I don't know how to  
12 answer it.

13 Q. Well, you can answer truthfully. Was it odd to you?

14 THE COURT: What does that prove if it was odd or  
15 not?

16 MR. LORFING: Your Honor, essentially, it's  
17 credibility. At this point I think she's lying to the Court,  
18 and I want to know if she's willing to -- it goes to her  
19 veracity.

20 THE COURT: I don't agree. Move on.

21 MR. LORFING: Yes, Your Honor.

22 BY MR. LORFING:

23 Q. You had mentioned that it's your understanding that Tanya  
24 and Chris Regan were not co-habiting at your place?

25 A. No.

1 Q. What does co-habitate mean to you?

2 A. They were living together as husband and wife.

3 Q. Okay. If I were to say that maybe co-habitate means that  
4 they're just living in the same place, different bedrooms,  
5 different couches, would that change your opinion as far as  
6 co-habitating?

7 A. I guess so.

8 Q. Okay. So based on the way I'm defining co-habitate -- and  
9 I'm going to define that as just the fact they're sleeping  
10 under the same roof -- would you say that during the months of  
11 January and February that Christopher Regan was co-habitating  
12 with Tanya?

13 A. Not all the time.

14 Q. Okay. And I just want to be clear for the Court. You  
15 told opposing counsel you thought it was about three times a  
16 week. You told me it was most nights. You have agreed with  
17 me it's most nights, but I want to give you a chance --

18 A. That's approximate. I'm not real sure. I couldn't give  
19 you an actual number of days or nights.

20 THE COURT: You know, really, those two aren't  
21 inconsistent. Three to four, four being most of seven, most  
22 nights would be four or more, right?

23 MR. LORFING: Yes, Your Honor. I'm sorry. I  
24 understood her testimony to be three times a week is what she  
25 testified to.



1 THE COURT: I understood three or four. I could be  
2 wrong. Go ahead.

3 MR. LORFING: I think you're right, Your Honor. I  
4 apologize.

5 BY MR. LORFING:

6 Q. Where did Christopher Regan shower most nights to your  
7 knowledge in January and February 2019?

8 A. When he come over to my house, he usually took a shower  
9 there.

10 Q. Do you recall when I talked to you and Agent Reavis was  
11 present, do you recall that a couple of days ago?

12 A. Yes.

13 Q. Do you recall telling me that he showered at your house  
14 almost every night, but you're not sure where he showered any  
15 other time?

16 A. He frequently showered there, yes.

17 Q. Remember, you said you knew why he showered at your house,  
18 right?

19 A. Yes.

20 Q. In fact, you said it's because he didn't have hot water at  
21 his place?

22 A. Yes.

23 Q. And you said, if he wasn't showering at your place, it had  
24 to be at Stephany's house or somewhere else?

25 A. I assume so.

1 Q. You also said that most of the time he would eat at your  
2 house, correct?

3 A. When he was there.

4 Q. Well, that's not what you told me. Did he most nights in  
5 January and February 2019 eat at your house?

6 A. He frequently did, yes.

7 Q. And the reason you told me was because he didn't have a  
8 stove at his place?

9 A. Yes.

10 Q. So he would come over and he would eat with you?

11 A. Yes.

12 Q. He would eat with Tanya?

13 A. Not all the time.

14 Q. He would just eat by himself sometimes?

15 A. Usually, he and I was at the dinner table, and Tanya took  
16 hers to the bedroom and stayed in the bedroom.

17 Q. Ma'am, is it your opinion that Christopher Regan was  
18 staying at your place?

19 MR. BLIZZARD: Objection as vague, staying at your  
20 place.

21 MR. LORFING: Thank you.

22 I'll rephrase, Your Honor.

23 BY MR. LORFING:

24 Q. Isn't it your opinion that Christopher Regan was staying  
25 at your house on a regular basis?

1 A. Yes.

2 Q. There was clothes of Chris's at your house?

3 A. When he did laundry. There is some there now that was  
4 left.

5 Q. Do you recall me going through it, and we counted how many  
6 jeans he had?

7 A. Yes.

8 Q. He had one pair of jeans, two pair, three, five pairs of  
9 jeans?

10 A. Yes.

11 Q. He had multiple shirts there, too, right?

12 A. Yes.

13 Q. Socks and underwear?

14 A. Yes.

15 Q. He had shirts?

16 A. Yes.

17 Q. Boxers?

18 A. Yes.

19 Q. As opposing counsel said, that's a telltale sign of  
20 residence. Would you agree that he had clothes there?

21 A. Yes.

22 MR. LORFING: No further questions, Your Honor.

23 MR. BLIZZARD: Redirect, Your Honor?

24 THE COURT: Go ahead.

25 MR. BLIZZARD: Thank you.

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**REDIRECT EXAMINATION**

BY MR. BLIZZARD:

Q. Ms. Peoples, I want to convey to you something here because I want to ask you a couple of candid questions, okay?

The only way you're going to get in trouble for anything here is if you don't tell the truth, okay?

A. Yes.

Q. So I want you to consider these questions, just a couple.

In your meetings with government agents or attorneys, have you felt pressure, either by them, by your own self, or any other circumstance, to tell them what they wanted to hear?

A. No.

Q. Do you feel like the family in general of Chris Regan, his mother, siblings, people related to him, any of those people, have felt pressure to tell the government what they want them to say?

A. I don't know.

Q. That hasn't been communicated to you by anybody?

A. No.

Q. Can you explain the inconsistent answers from today and your meeting with Mr. Lorring? How do we have different answers today?

THE COURT: I think that's too vague. You're going to have to be more specific.

MR. BLIZZARD: Yes, sir.

1 BY MR. BLIZZARD:

2 Q. In your conversations with Mr. Pueschel, my office, and  
3 Mr. Lorfing, there appears to be some pretty significant  
4 differences. Do you agree?

5 THE COURT: That's still -- you have got to give a  
6 witness enough to go on rather than say, you said something  
7 one time that's different from what he said now. Why? How  
8 would we know?

9 MR. BLIZZARD: Yes.

10 BY MR. BLIZZARD:

11 Q. You told Mr. Pueschel that Chris appeared to be at your  
12 house primarily to do laundry, right?

13 A. Do laundry, yes.

14 Q. Okay. That doesn't seem consistent with what you've said  
15 here today. Do you agree with that?

16 A. I assume.

17 Q. Okay. So why are we having these inconsistencies? What's  
18 the deal?

19 THE COURT: Now, you just said inconsistencies, and  
20 you may be demonstrated one inconsistency.

21 MR. BLIZZARD: All right. Yes, sir.

22 BY MR. BLIZZARD:

23 Q. Why do we have that inconsistency?

24 A. I'm not understanding.

25 Q. Well, why are you telling Mr. Pueschel one thing and

1 Mr. Lorfing another, this Court another? Why do we have  
2 different answers for how often Chris is at your house, for  
3 how long, you know, these kinds of things?

4 A. I can't put an actual number on how many times he was  
5 there, but when he would come over and needed clothes washed,  
6 he asked me if he could bring them and wash them. I let him  
7 do it. There's times that I have called and asked him if he  
8 wanted to eat dinner. Sometimes he's there and I'm cooking  
9 dinner. Sometimes he stays the night. Sometimes -- you know,  
10 I can't put an actual number on it because I didn't sit and  
11 count and put it on a calendar.

12 Q. Fair enough. It's varied because the answers are -- it's  
13 hard to put a number on it. Is that your answer,  
14 essentially?

15 A. Yes.

16 MR. BLIZZARD: No further questions, Your Honor.

17 THE COURT: Redirect?

18 MR. BLIZZARD: No, Your Honor.

19 THE COURT: You may step down.

20 THE WITNESS: Thank you.

21 THE COURT: Defense may call its next witness.

22 MR. BLIZZARD: No other evidence or witnesses, Your  
23 Honor. We rest.

24 THE COURT: Rest?

25 MR. LORFING: The government rests, Your Honor.

1 THE COURT: There was some mention earlier that we  
2 might want to have some brief argument. Do you still want to?

3 MS. HOWEY: Yes, Your Honor.

4 MR. LORFING: Please, Your Honor.

5 THE COURT: All right. I'll let the government go,  
6 but do keep it brief.

7 MS. HOWEY: Your Honor, there is no disagreement  
8 between the parties as to whether in the absence of a warrant  
9 an individual may consent to a search of his property and  
10 premises and effects. The question here today is whether the  
11 consent given to search the trailer at 124 Private Road, 5503,  
12 was valid.

13 The evidence we've heard today establishes that  
14 Ms. Stephany Wilkins, who is the defendant's mother and who is  
15 the owner of the trailer at that address, gave valid consent,  
16 and she was able to do so because she exercised complete  
17 ownership of and access to that trailer, and she did so to the  
18 extent that he had actual and apparent authority to give that  
19 consent.

20 Turning to actual authority, this determination is fact  
21 intensive. The focus is on the third party's actions as well  
22 as the defendant's. It is whether the defendant allowed the  
23 third party the degree of access and control over the  
24 property, here, Ms. Wilkins, that it can be said that he, the  
25 defendant, relinquished an expectation of privacy of the

1 property, and by doing so, whether he assumed the risk that a  
2 third party, his mother, might expose that risk to others,  
3 including law enforcement.

4 Your Honor, after Ms. Wilkins allowed the defendant to  
5 stay in her trailer, she continued to exercise unfettered  
6 access to it, and the defendant never tried to impede access.  
7 We see this from the fact that Ms. Wilkins entered the trailer  
8 on a regular basis and without notice to the defendant and  
9 without complaint from the defendant.

10 Ms. Wilkins told the defendant twice during jail calls  
11 that she accessed the trailer. She went into it and drank  
12 tequila. She very matter of factly testified that she  
13 repeatedly entered the trailer when she deemed it necessary to  
14 change the thermostat, turn off the AC, turn off floor  
15 heaters, and she testified that her son knew that she did  
16 this.

17 By her own testimony, we know that Ms. Wilkins entered the  
18 trailer at her will and would never have imagined asking her  
19 son whether she could do it. Ms. Wilkins's access was not  
20 limited to the times her son was not in the trailer. She  
21 testified that her son would not have objected had she barged  
22 into the trailer without knocking. She said that if he had  
23 objected, they would have, quote, words, because it was her  
24 trailer.

25 She testified to the broad degree of access she believed



1 she had. She believed that she could have entered the trailer  
2 to take milk from the refrigerator, take a pillow from the  
3 bed, and even take socks from the defendant's sock drawer. We  
4 also know that Ms. Wilkins often went into the trailer for no  
5 reason other than to cry.

6 What about Christopher Regan? That's the other part of  
7 the actual authority equation.

8 We know that the defendant did not attempt to ensure that  
9 he had privacy at all in the trailer. We heard no testimony  
10 showing that he ever objected to his mother's access to the  
11 trailer.

12 Significantly, he did not change the locks on the trailer  
13 door, nor did he put a lock on his bedroom door. In fact, he  
14 knew his mother maintained the key to the trailer, and she  
15 kept it on a key chain with keys to all of her other property.  
16 She testified that she had the key chain for nine years, I  
17 believe, since 2011. Her son did not ask her to relinquish  
18 the key when he moved in, and she continued to use it and  
19 access the trailer at her leisure and with some frequency.

20 On the other hand, the defendant did change the locks on  
21 the storage shed behind the trailer. Ms. Wilkins had to ask  
22 for a key to the storage shed. In fact, we heard on a jail  
23 call her asking where the key was. He had to tell her where  
24 to find it. This strongly suggests, strongly demonstrates,  
25 that the defendant took steps to protect the privacy he

1 believed he had in the shed, but he did not do so in regard to  
2 the trailer.

3 Finally and significantly, when Ms. Wilkins told the  
4 defendant that she feared -- excuse me, law enforcement might  
5 search the trailer, he did not tell her to prevent that from  
6 happening. He did not tell her to refuse consent. He did not  
7 tell her to do anything to protect whatever interest he now  
8 believes he had in that property. He didn't do so because he  
9 had no right to do so.

10 Finally, when the defendant's mother expressed fear that  
11 Homeland Security Investigations might search the trailer, the  
12 defendant implicitly acknowledged that his mother could  
13 consent to the search. He told her that law enforcement would  
14 take things from the trailer, only if you allow it, Mom. Only  
15 if you allow it. In other words, only if you consent.

16 She did allow it, and she could do so. She could do so  
17 because she would take access, control and use of the trailer,  
18 and the defendant allowed it, and by doing so, he could not  
19 now argue that he had an expectation of privacy in the  
20 property. He never had one and he did not have one on  
21 March 1, 2019.

22 Defense counsel elicited testimony from Ms. Wilkins as to  
23 whether her son wanted her to allow the search, and whether  
24 when he asked her to remove the items from the trailer, he  
25 wanted to limit that direction to her, in other words, whether

1 his direction to his mother was only an authorization for her  
2 to remove the items.

3 Your Honor, it is immaterial whether the defendant would  
4 have wanted Ms. Wilkins to allow it or to prevent it. In  
5 other words -- I should say to allow or prevent a search. It  
6 is immaterial whether he expected that his mother would limit  
7 his instruction to her, whether she would remove the items  
8 rather than asking law enforcement to do so.

9 What is relevant, what is important, is what Christopher  
10 Regan did. He allowed his mother unfettered access to the  
11 trailer to such an extent that he assumed the risk that she  
12 would allow others into that trailer, even law enforcement.

13 Finally, Your Honor, as briefed in the United States  
14 response to the motion to suppress, the facts in this case are  
15 similar to those in United States versus Shelton. Although in  
16 Shelton, items were removed from a residence by a third party  
17 and then given to law enforcement, and here the third party  
18 solicited the help of law enforcement. The Courts in Shelton  
19 characterized the third party's actions as a search. The  
20 Shelton analysis, therefore, applies in this case.

21 Turning to apparent authority, the United States believes  
22 the Court need not reach this analysis --

23 THE COURT: I'm sorry. Turning to what?

24 MS. HOWEY: The analysis for apparent authority, it  
25 is the United States's position that the Court need not reach

1 this analysis because the evidence and testimony establishes  
2 actual authority in this case. Even so, Your Honor, apparent  
3 authority also supports the consent Ms. Wilkins gave to the  
4 search of the trailer.

5 Apparent authority is found when the facts were such that  
6 the officers reasonably believed the third party, here  
7 Ms. Wilkins, had authority to consent to a search. The facts  
8 in this case were sufficient such that the agents who searched  
9 the trailer at Lot 124 could reasonably believe that  
10 Ms. Wilkins had authority to consent to the search.

11 Ms. Wilkins told the officers that she owned the property  
12 for 40 years. She took the agents to the trailer and she  
13 opened the door to the trailer with a key, a key that she had  
14 on a key ring with all of her other keys. She asked the  
15 agents to remove child pornography from for what she  
16 characterized as her trailer, her property.

17 In this case, Agent Noack and Agent Reavis testified that  
18 they believed Ms. Wilkins had authority to consent to a search  
19 of the trailer. Agent Noack specifically testified that he  
20 could have obtained a warrant but he believed Ms. Wilkins had  
21 authority to consent. His belief was reasonable.

22 Finally, Your Honor, in an abundance of caution, Homeland  
23 Security Investigations obtained a search warrant for the  
24 items that were seized and the contents of those items seized  
25 from the trailer.

1 I want to back up, Your Honor. I think I may have  
2 misspoken. HSI Investigations obtained a search warrant to  
3 search the contents of the items that were seized from the  
4 trailer, and the defendant has not objected to that search  
5 warrant.

6 Your Honor, based on the evidence and the testimony we  
7 have heard today, Ms. Wilkins had actual authority to consent  
8 to the search of the trailer of Lot 124. In addition, she had  
9 apparent authority. For all of these reasons, the United  
10 States respectfully asks the Court to deny the motion to  
11 suppress.

12 THE COURT: Question for you. We have not had any  
13 discussions of the items found in the car, the pickup truck,  
14 whatever it was, the backpack, I believe and other things.

15 MS. HOWEY: Yes, Your Honor -- go ahead, I'm sorry.

16 THE COURT: I was just going to ask, are the parties,  
17 basically, abandoning argument on that?

18 MS. HOWEY: Yes. The United States believes the  
19 argument is moot. We do not intend to use any of that  
20 evidence at trial.

21 THE COURT: Okay. Is that why you haven't brought up  
22 the point?

23 MS. HOWEY: Yes, sir.

24 MR. BLIZZARD: Pretty much, Your HONor.

25 THE COURT: You knew that?

1 MR. BLIZZARD: I don't believe there is any real  
2 relevant evidence that they were going to use. I didn't know  
3 for sure, but --

4 THE COURT: All right. Then I'm denying the motion  
5 to suppress as to the backpack and all the other items found  
6 in the truck or vehicle.

7 MS. HOWEY: Thank you, Your Honor.

8 THE COURT: Response?

9 MR. BLIZZARD: Yes, Your Honor.

10 Your Honor, I believe this case is much like the Rodriguez  
11 case cited in our brief. There was a person who previously  
12 resided there and still had items in the apartment, maintained  
13 the key, and allowed law enforcement to enter, but law  
14 enforcement acted without determining the full scope of the  
15 situation. The person did not actually have authority because  
16 she was a previous resident, and that's a similar situation  
17 here.

18 Ms. Wilkins, essentially, is a previous resident by the  
19 fact that she designated this trailer to be a place where  
20 Chris Regan could live and have his children. Whether she  
21 intended that to be for the rest of his life or temporary, she  
22 granted him that property right to live in that trailer. It's  
23 a property right that could not just be taken away once  
24 conveyed. Whether there was rent exchanged or not, she would  
25 have had to have gone through the eviction process to remove

1 him.

2 So then the question becomes, had Mr. Regan abandoned all  
3 of his privacy interest in that property, because I think it's  
4 clear to the Court that law enforcement knew he purported to  
5 live there. She said he was allowed to stay there. So law  
6 enforcement was on notice that he resided there. They were on  
7 notice that Stephany did not reside there.

8 So then it's really a question of, had he abandoned his  
9 privacy interest by conveying the instructions to his mother  
10 or giving her permission or allowing her to come in from time  
11 to time, and for that, Your Honor, our argument is that  
12 Ms. Wilkins's testimony, I think, even in the very last  
13 statements that she made to Mr. Lorfing, is that it's a  
14 relational dynamic that doesn't stand in the way of them going  
15 into each other's property, but it's not a property right  
16 dynamic.

17 When it really comes down to it, Mr. Regan had the ability  
18 to exclude her. Whether he chose to do that or not is not  
19 really relevant to the inquiry of giving up his privacy  
20 interest. He allowed her to go in, because it would be  
21 similar to a person that, say, had aging parents that lived in  
22 a garage apartment or pool house, and you go in. You go check  
23 on them and you go see how things are going, and you may just  
24 walk right in the door. But if that aging parent said, hey, I  
25 don't want you to come in here. I'm busy or I'm tired or I

1 have a headache, or whatever, that person has the right to  
2 exclude them.

3       Additionally, it's our position, essentially, what  
4 Mr. Regan did here is grant his mother a license. She was a  
5 licensee to the property. She alone had permission to enter,  
6 to check on things, to turn the lights on and off, to drink  
7 his tequila, you know, things of this nature. It doesn't mean  
8 that he granted license for all people and all persons. It  
9 also doesn't grant her a right of co-tenancy. It's a license  
10 that he granted her to go into the property to caretake for it  
11 as we often do.

12       We have relatives or family members who we will leave a  
13 key with, and we'll say, hey, check on my place while I'm  
14 gone. Go feed the cat. Go make sure, you know, my house  
15 isn't flooding. That doesn't mean that that person then can  
16 come and say, okay, Mr. Policemen, come on in the property  
17 with me and check everything that's going on here.

18       So that's, essentially, our argument on actual authority.  
19 On apparent authority, our argument really revolves around the  
20 officer's knowledge. The officers knew that Chris resided  
21 there at least some. There has been a lot of testimony today  
22 about what the extent of that residency was, and I think it's  
23 kind of an irrelevant inquiry.

24       He maintained it at least as a part-time residence, and  
25 however slight that may have been, the evidence is clear that



1 it was a part-time residence, and that entitled him to that  
2 privacy right. Law enforcement knew, and they were not in a  
3 position of going into it blind where they come to Ms. Wilkins  
4 and she says, this is my property, you know, go on in. They  
5 knew he had given that address as his residence. They knew  
6 that he at least resided there. They knew he had things in  
7 there, and so their reliance on her representation was  
8 misguided.

9 I think that, additionally, just to address a few things  
10 in the government's closing argument, they pointed out one  
11 thing that I think is not exactly correct. So I'll just point  
12 it out to the Court, is that there is some difference between  
13 the storage shed and the trailer because he, they said in  
14 closing, changed the locks. Well, he didn't change the locks.  
15 He put a lock on it because he put stuff in it. Just like the  
16 trailer had a lock, the storage building needed a lock.

17 They make this argument to try to differentiate the  
18 storage building from the house, but I think that's a  
19 misguided argument because they are, essentially, stating that  
20 it applies in one sense but not the other, because we heard in  
21 a jail call Mr. Regan is telling her where the key is to go  
22 unlock the storage building, once again, allowing her to have  
23 license to that storage building. So I think the argument  
24 that they make for that works against itself.

25 I also believe that in the statements that the government

1 relies on in its analysis of the jail calls, the government  
2 takes a hypertechnical, misleading interpretation. I believe  
3 it's very clear to someone listening to the jail calls that  
4 Mr. Regan's intent was he did not want that house searched.  
5 He was not happy about it. He did not desire it. He didn't  
6 say it should happen. His phrasing and his demeanor and his  
7 mood were clear that he didn't want it searched, and it would  
8 only happen if she literally physically let them in. That  
9 doesn't mean that he's acknowledging that she has the legal  
10 capacity. It's him acknowledging she has the physical power  
11 to unlock the door.

12 So with all that, Your Honor, we believe that the  
13 government's evidence should be suppressed, and we pray for  
14 that ruling.

15 (Brief pause in proceedings)

16 THE COURT: I make the following findings on the  
17 record:

18 The dwelling at 124 PR, 5503, Point, Texas, was not the  
19 defendant's sole residence.

20 Second, the defendant only kept about one percent of his  
21 property there.

22 Number three, Stephany Wilkins had unfettered and  
23 frequent access to the premises.

24 Finding four, Stephany Wilkins was fully in control of the  
25 residence and had full authority over it.

1 Finding five, the defendant did not ask or tell his  
2 mother, Mrs. Wilkins, not to consent to a search of the  
3 trailer at 124.

4 Finding Number six, defendant's mother, Mrs. Wilkins, the  
5 owner of the premises, did not recognize that the defendant  
6 had any right to exclude her from the premises or deny her  
7 access to any part of it. So when she was asked if she had  
8 any right -- if he had any right to privacy there, she  
9 answered correctly in the sense that, as to her, he had no  
10 such right.

11 Finding Number 7, given the relationship between the  
12 defendant and his mother and the interaction between them at  
13 the premises, the defendant could not reasonably and  
14 subjectively expect that he would have privacy while he was  
15 present, much less while he was away.

16 My conclusions are that, if the defendant had an  
17 expectation of privacy at 124 PR, 5503, he relinquished it.  
18 That Stephany Wilkins gave valid consent to the search of the  
19 residence at 124 PR, 5503. That even if Stephany Wilkins did  
20 not have actual authority to grant consent, she had apparent  
21 authority for the reasons set out by the government on Pages 8  
22 through 10 of its response to the motion to suppress.

23 Next, that the search did not violate the Fourth Amendment  
24 to the United States Constitution, which requires that the  
25 motion to suppress be denied.

1           A finding of common authority is based on facts showing  
2 mutual use of property by persons having joint access or  
3 control for most purposes so that it is reasonable to  
4 recognize that, in this case, Ms. Wilkins had the right to  
5 permit the inspection in her own right and that the others had  
6 assumed the risk. That other would be her son.

7           Assumption of risk is a critical inquiry. It's fact  
8 intensive, and the focus is not upon a third party but rather  
9 on the defendant whether the defendant relinquished an  
10 expectation of privacy.

11           As I said, I have some doubts whether he ever had an  
12 expectation of privacy from the beginning, because  
13 Ms. Wilkins's exercise of dominion and control over the  
14 property was so complete, but even if he did have an  
15 expectation, he did relinquish it. The essential question  
16 being whether he granted the third party a level of access and  
17 control over the property that resulted in the loss of  
18 expectation of privacy.

19           Again, that's stated oddly for this situation because it's  
20 hard for me to conclude that he granted a level of control and  
21 access when I'm not sure he ever even had a level of access  
22 and control to grant to someone else, including his mother.

23           The facts in this case are similar to United States v.  
24 Shelton. In this case as in Shelton, the defendant knew his  
25 mother accessed the trailer at will but took no steps to

1 restrict her access in any way. He did not ask his mother to  
2 remove anything that was hers in the premises. He did not  
3 change the lock. He never objected to his mother entering the  
4 trailer or allowing others, including her husband to enter it,  
5 and as indicated by Ms. Wilkins in response to my question,  
6 had he ever objected to her entering without permission, she  
7 would have had words with him because she considered that to  
8 be her trailer and that he was a mere guest with almost no  
9 rights of privacy.

10 As is stated in Shelton, the defendant's decision to  
11 forego an expectation of privacy requires a conclusion that he  
12 assume the risk that his mother would expose his privacy  
13 interests to others, and that's what she did.

14 That's the conclusion of the Court. There will be a  
15 written order to follow, a short written order to follow,  
16 confirming it will be signed and entered this day.

17 Is there anything we need to take up before we leave the  
18 courtroom in preparation for the trial that's forthcoming?

19 MR. LORFING: No, Your Honor.

20 MR. BLIZZARD: No, Your Honor.

21 THE COURT: All right. We'll be in recess until  
22 further call.

23 (End of proceedings, 2:35 p.m.)

24  
25 -oOo-

## I N D E X

Witnesses:	Direct	Cross	Redirect	Recross	Voir Dire
Brian Noack	4 11	30	41		8
Stephany Wilkins	48	74	93		
Burton Reavis	96	101	105		
Leta Peoples	106	109	114		

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## E X H I B I T S

Exhibit Number	Offered	Admitted
Government's 1	20	20
Government's 7	29	29
Government's 11	50	51
Government's 10	52	52
Government's 4	65	65
Government's 5	66	66
Defendant's 1	90	90

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CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter, and that the transcript was prepared by me and under my supervision.

s/ Ana P. Warren  
Ana P. Warren, CSR #2302  
U.S. District Court Reporter

May 12, 2020  
Date

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